

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

CONFERENCE REPORT

TO ACCOMPANY

S. 1059



AUGUST 6 (legislative day, AUGUST 5), 1999.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

CONTENTS

	Page
JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CON- FERENCE	480
Summary Statement of Conference Action	480
Summary Table of Authorizations	480
Congressional Defense Committees	485
DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS	485
TITLE I—PROCUREMENT	485
Procurement Overview	485
Overview	491
UH-60 blackhawk	491
AH-64 modifications	491
UH-60 modifications	491
Aircraft survivability equipment modifications	491
Aircraft survivability equipment modifications, (Advanced Threat Infrared Countermeasures)	492
Overview	492
Avenger system summary	495
Javelin system summary-advanced procurement	495
Patriot anti-cruise missile	495
Avenger modifications	495
Overview	496
Bradley base sustainment	500
Carrier modifications	500
Howitzer, M109A6 modifications	500
Heavy assault bridge	500
Grenade launcher, automatic, 40mm, MK19-3	500
Overview	500
Sense and destroy armament	505
Overview	505
Family of heavy tactical vehicles	516
Army data distribution system	516
Single channel ground and airborne radio system	516
Warfighter information network	516
Information system security program	516
Tactical unmanned aerial vehicle	517
Night vision devices	517
Combat identification/aiming light	517
Modification of in-service equipment (tactical surveillance)	518
Automated identification technology	518
Maneuver control system	518
Vibratory, self-propelled roller	518
High speed compactor	519
Wheel-mounted 25-ton crane	519
Items less than \$2.0 million, construction equipment	519
Modification of in-service equipment (OPA-3)	519
Ultra lightweight camouflage net system	519
Overview	519
Overview	522
CH-60 helicopters	526
UC-35A aircraft	526
C-40A	526
EA-6B modifications	526
F/A-18 aircraft modifications	526
AH-1W series	527

One-year delay in demolition of radio transmitting facility towers at Naval Station, Annapolis, Maryland, to facilitate transfer of towers (sec. 2855)	869
Clarification of land exchange, Naval Reserve Readiness Center, Portland, Maine (sec. 2856)	869
Revision to lease authority, Naval Air Station, Meridian Mississippi (sec. 2857)	869
Land conveyance, Norfolk, Virginia (sec. 2858)	869
Part III—Air Force Conveyances	870
Land conveyance, Newington Defense Fuel Supply Point, New Hampshire (sec. 2861)	870
Land conveyance, Tyndall Air Force Base, Florida (sec. 2862)	870
Land conveyance, Port of Anchorage, Alaska (sec. 2863)	871
Land conveyance, Forestport Test Annex, New York (sec. 2864) ..	871
Land conveyance, McClellan Nuclear Radiation Center, California (sec. 2865)	871
Subtitle E—Other Matters	871
Acceptance of guarantees in connection with gifts to military service academies (sec. 2871)	871
Acquisition of State-held inholdings, East Range of Fort Huachuca, Arizona (sec. 2872)	872
Enhancement of Pentagon renovation activities (sec. 2873)	872
Subtitle F—Expansion of Arlington National Cemetery	872
Expansion of Arlington National Cemetery (secs. 2881–2882)	872
Legislative Provisions Not Adopted	873
Contributions for North Atlantic Treaty Organization Security Investment	873
Defense Chemical Demilitarization Construction Account	873
Future use of Navy Annex property, Arlington, Virginia	874
Land conveyance, Fort Des Moines, Iowa	874
Land conveyance, Naval and Marine Corps Reserve Center, Orange County, Texas	874
TITLE XXIX—COMMISSION ON NATIONAL MILITARY MUSEUM	875
Legislative Provisions Adopted	875
Commission on the National Military Museum (secs. 2901–2909) ..	875
TITLE XXX—MILITARY LAND WITHDRAWALS	876
Short title (sec. 3001)	877
Legislative Provisions Adopted	877
Subtitle A—Withdrawals Generally	877
Withdrawals (sec. 3001)	877
Maps and legal descriptions (sec. 3012)	877
Termination of withdrawals in Military Lands Withdrawal Act of 1986 (sec. 3013)	877
Management of lands (sec. 3014)	877
Duration of withdrawal and reservation (sec. 3015)	877
Extension of initial withdrawal and reservation (sec. 3016)	878
Ongoing decontamination (sec. 3017)	878
Delegation (sec. 3018)	878
Water rights (sec. 3019)	878
Hunting, fishing, and trapping (sec. 3020)	878
Mining and mineral leasing (sec. 3021)	878
Use of mineral materials (sec. 3022)	879
Immunity of United States (sec. 3023)	879
Subtitle B—Withdrawals in Arizona	879
Barry M. Goldwater Range, Arizona (sec. 3031)	879
Military use of Cabeza Prieta National Wildlife Refuge and Cabeza Prieta Wilderness (sec. 3032)	880
Maps and legal descriptions (sec. 3033)	880
Water rights (sec. 3034)	880
Hunting, fishing, and trapping (sec. 3035)	880
Use of mineral materials (sec. 3036)	880
Immunity of United States (sec. 3037)	881
Subtitle C—Authorization of Appropriations	881
Authorization of appropriations (sec. 3041)	881
Division C—Department of Energy National Security Authorizations and Other Authorizations	881
TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS	881

	Page
Overview	881
Items of Special Interest	896
Long-term stewardship plan	896
Legislative Provisions Adopted	896
Subtitle A—National Security Programs Authorizations	896
Weapons activities (sec. 3101)	896
Accelerated Strategic Computing Initiative and Stockpile Com- puting program	897
Inertial Confinement Fusion	897
Technology partnerships and education	897
Stockpile management programs	898
Tritium production	898
Defense programs campaigns	899
Defense environmental restoration and waste management (sec. 3102)	899
Defense facility closure projects	899
Post-2006 completion	900
Technology development	900
Program direction	900
Columbia River Corridor Initiative	900
Other defense activities (sec. 3103)	900
Nonproliferation and national security	901
Arms control	901
Security clearances	901
Fissile materials and control disposition	901
International nuclear safety	901
Worker and community transition	902
Environment, safety and health defense	902
Counterintelligence	902
Intelligence	902
Defense nuclear waste disposal (sec. 3104)	902
Defense environmental management privatization (sec. 3105)	902
Subtitle B—Recurring General Provisions	903
Reprogramming (sec. 3121)	903
Limits on general plant projects (sec. 3122)	903
Limits on construction projects (sec. 3123)	904
Fund transfer authority (sec. 3124)	904
Authority for conceptual and construction design (sec. 3125)	904
Authority for emergency planning, design, and construction ac- tivities (sec. 3126)	904
Funds available for all national security programs of the Depart- ment of Energy (sec. 3127)	905
Availability of funds (sec. 3128)	905
Transfers of defense environmental management funds (sec. 3129)	905
Subtitle C—Program Authorizations, Restrictions, and Limitations	905
Prohibition on use of funds for certain activities under Formerly Utilized Site Remedial Action Program (sec. 3131)	905
Continuation of processing, treatment, and disposition of legacy nuclear materials (sec. 3132)	906
Nuclear weapons stockpile life extension program (sec. 3133)	906
Procedures for meeting tritium production requirements (sec. 3134)	906
Independent cost estimate of accelerator production of tritium (sec. 3135)	907
Nonproliferation initiatives and activities (sec. 3136)	907
Support of theater ballistic missile defense activities of the De- partment of Defense (sec. 3137)	908
Subtitle D—Matters Relating to Safeguards, Security, and Counter- intelligence	909
Short title (sec. 3141)	909
Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities (sec. 3142)	909
Background investigations of certain personnel at Department of Energy facilities (sec. 3143)	910
Conduct of security clearances (sec. 3144)	910

	Page
Protection of classified information during laboratory-to-laboratory exchanges (sec. 3145)	911
Restrictions on access to national laboratories by foreign visitors from sensitive countries (sec. 3146)	911
Department of Energy regulations relating to the safeguarding and security of restricted data (sec. 3147)	913
Increased penalties for misuse of Restricted Data (sec. 3148)	914
Supplement to plan for declassification of restricted data and formerly restricted data (sec. 3149)	914
Notice to congressional committees of certain security and counterintelligence failures within nuclear energy defense programs (sec. 3150)	914
Annual report by the President on espionage by the Peoples Republic of China (sec. 3151)	915
Report on counterintelligence and security practices at national laboratories (sec. 3152)	915
Report on security vulnerabilities of national laboratory computers (sec. 3153)	916
Department of Energy counterintelligence polygraph program (sec. 3154)	916
Definition of national laboratory and nuclear weapons production facility (sec. 3155)	917
Definition of Restricted Data (sec. 3156)	917
Subtitle E—Matters Relating to Personnel	917
Extension of authority of Department of Energy to pay voluntary separation incentive payments (sec. 3161)	917
Fellowship program for development of skills critical to the Department of Energy nuclear weapons complex (sec. 3162)	918
Maintenance of nuclear weapons expertise in the Department of Defense and Department of Energy (sec. 3163)	919
Whistleblower protection program (sec. 3164)	919
Subtitle F—Other Matters	920
Requirement for plan to improve reprogramming processes (sec. 3171)	920
Integrated fissile materials management plan (sec. 3172)	920
Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities (sec. 3173)	921
Sense of Congress regarding technology transfer coordination for Department of Energy national laboratories (sec. 3174)	921
Pilot program for project management oversight regarding Department of Energy construction projects (sec. 3175)	922
Pilot program of Department of Energy to authorize use of prior year unobligated balances for accelerated site cleanup at Rocky Flats Environmental Technology Site, Colorado (sec. 3176)	923
Proposed schedule for shipments of waste from the Rocky Flats Environmental Technology Site, Colorado, to the Waste Isolation Pilot Plant, New Mexico (sec. 3177)	923
Comptroller General report on closure of Rocky Flats Environmental Technology Site, Colorado (sec. 3178)	923
Extension of review of Waste Isolation Pilot Plant, New Mexico (sec. 3179)	924
Legislative Provisions Not Adopted	924
Civil monetary penalties for violations of Department of Energy regulations relating to the safeguarding and securing of restricted data	924
Commission on Nuclear Weapons Management	925
Department of Energy counterintelligence cyber security program	925
Department of Energy polygraph examinations	925
Investigation and remediation of alleged reprisals for disclosure of certain information to Congress	925
Modification of laboratory-directed research and development to provide funds for theater ballistic missile defense	926
Report on whether the Department of Energy should continue to maintain nuclear weapons responsibility	926
TITLE XXXII—NATIONAL NUCLEAR SECURITY ADMINISTRATION	927

	Page
Short Title (sec. 3201)	927
Under Secretary for Nuclear Security of Department of Energy (sec. 3202)	928
Establishment of policy for National Nuclear Security Adminis- tration (sec. 3203)	928
Organization of Department of Energy counterintelligence and intelligence programs and activities (sec. 3204)	928
Subtitle A—Establishment and Organization	928
Establishment and mission (sec. 3211)	928
Administrator for Nuclear Security (sec. 3212)	929
Status of Administration and contractor personnel within De- partment of Energy (sec. 3213)	929
Deputy Administrator for Defense Programs (sec. 3214)	929
Deputy Administrator for Defense Nuclear Nonproliferation (sec. 3215)	930
Deputy Administrator for Naval Reactors (sec. 3216)	930
General Counsel (sec. 3217)	930
Staff of Administration (sec. 3218)	930
Subtitle B—Matters Relating to Security	930
Protection of national security information (sec. 3231)	930
Office of Defense Nuclear Counterintelligence and Office of De- fense Nuclear Security (sec. 3232)	930
Counterintelligence programs (sec. 3233)	931
Procedures relating to access by individuals to classified areas and information of Administration (sec. 3234)	932
Government access to information on Administration computers (sec. 3235)	932
Congressional oversight of special access programs (sec. 3236)	933
Subtitle C—Matters Relating to Personnel	933
Authority to establish certain scientific, engineering, and tech- nical positions (sec. 3241)	933
Voluntary early retirement authority (sec. 3242)	933
Severance pay (sec. 3243)	933
Continued coverage of health care benefits (sec. 3244)	933
Subtitle D—Budget and Financial Management	933
Separate treatment in budget (sec. 3251)	933
Planning, programming, and budgeting process (sec. 3252)	934
Future-years nuclear security program (sec. 3253)	934
Subtitle E—Miscellaneous Provisions	935
Environmental protection, safety, and health requirements (sec. 3261)	935
Compliance with federal acquisition regulation (sec. 3262)	935
Sharing of technology with Department of Defense (sec. 3263)	935
Use of capabilities of national security laboratories by entities outside administration (sec. 3264)	935
Subtitle F—Definitions	935
Definitions (sec. 3281)	935
Subtitle G—Amendatory Provisions, Transition Provisions, and Effec- tive Dates	935
Functions transferred (sec. 3291)	935
Transfer of funds and employees (sec. 3292)	935
Pay levels (sec. 3293)	936
Conforming amendments (sec. 3294)	936
Transition provisions (sec. 3295)	936
Applicability of pre-existing laws and regulations (sec. 3296)	936
Report containing implementation plan of Secretary of Energy (sec. 3297)	936
Classification in United States Code (sec. 3298)	936
Effective dates (sec. 3299)	936
TITLE XXXIII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD	937
Legislative Provisions Adopted	937
Defense Nuclear Facilities Safety Board (sec. 3301)	937
TITLE XXXIV—NATIONAL DEFENSE STOCKPILE	937
Legislative Provisions Adopted	937
Authorized uses of stockpile funds (sec. 3401)	937
Disposal of certain materials in National Defense Stockpile (sec. 3402)	937

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

AUGUST 6 (legislative day, AUGUST 5), 1999.—Ordered to be printed

Mr. SPENCE, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 1059]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1059), to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agreed to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2000”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) *DIVISIONS.*—*This Act is organized into three divisions as follows:*

(1) *Division A—Department of Defense Authorizations.*

(2) *Division B—Military Construction Authorizations.*

(3) *Division C—Department of Energy National Security Authorizations and Other Authorizations.*

(b) *TABLE OF CONTENTS.*—*The table of contents for this Act is as follows:*

- Sec. 3015. Duration of withdrawal and reservation.*
- Sec. 3016. Extension of initial withdrawal and reservation.*
- Sec. 3017. Ongoing decontamination.*
- Sec. 3018. Delegation.*
- Sec. 3019. Water rights.*
- Sec. 3020. Hunting, fishing, and trapping.*
- Sec. 3021. Mining and mineral leasing.*
- Sec. 3022. Use of mineral materials.*
- Sec. 3023. Immunity of United States.*

Subtitle B—Withdrawals in Arizona

- Sec. 3031. Barry M. Goldwater Range, Arizona.*
- Sec. 3032. Military use of Cabeza Prieta National Wildlife Refuge and Cabeza Prieta Wilderness.*
- Sec. 3033. Maps and legal description.*
- Sec. 3034. Water rights.*
- Sec. 3035. Hunting, fishing, and trapping.*
- Sec. 3036. Use of mineral materials.*
- Sec. 3037. Immunity of United States.*

Subtitle C—Authorization of Appropriations

- Sec. 3041. Authorization of appropriations.*

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.*
- Sec. 3102. Defense environmental restoration and waste management.*
- Sec. 3103. Other defense activities.*
- Sec. 3104. Defense nuclear waste disposal.*
- Sec. 3105. Defense environmental management privatization.*

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.*
- Sec. 3122. Limits on general plant projects.*
- Sec. 3123. Limits on construction projects.*
- Sec. 3124. Fund transfer authority.*
- Sec. 3125. Authority for conceptual and construction design.*
- Sec. 3126. Authority for emergency planning, design, and construction activities.*
- Sec. 3127. Funds available for all national security programs of the Department of Energy.*
- Sec. 3128. Availability of funds.*
- Sec. 3129. Transfers of defense environmental management funds.*

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Prohibition on use of funds for certain activities under formerly utilized site remedial action program.*
- Sec. 3132. Continuation of processing, treatment, and disposition of legacy nuclear materials.*
- Sec. 3133. Nuclear weapons stockpile life extension program.*
- Sec. 3134. Procedures for meeting tritium production requirements.*
- Sec. 3135. Independent cost estimate of accelerator production of tritium.*
- Sec. 3136. Nonproliferation initiatives and activities.*
- Sec. 3137. Support of theater ballistic missile defense activities of the Department of Defense.*

Subtitle D—Matters Relating to Safeguards, Security, and Counterintelligence

- Sec. 3141. Short title.*
- Sec. 3142. Commission on Safeguards, Security, and Counterintelligence at Department of Energy facilities.*

- Sec. 3143. *Background investigations of certain personnel at Department of Energy facilities.*
- Sec. 3144. *Conduct of security clearances.*
- Sec. 3145. *Protection of classified information during laboratory-to-laboratory exchanges.*
- Sec. 3146. *Restrictions on access to national laboratories by foreign visitors from sensitive countries.*
- Sec. 3147. *Department of Energy regulations relating to the safeguarding and security of Restricted Data.*
- Sec. 3148. *Increased penalties for misuse of Restricted Data.*
- Sec. 3149. *Supplement to plan for declassification of Restricted Data and formerly Restricted Data.*
- Sec. 3150. *Notice to congressional committees of certain security and counterintelligence failures within nuclear energy defense programs.*
- Sec. 3151. *Annual report by the President on espionage by the People's Republic of China.*
- Sec. 3152. *Report on counterintelligence and security practices at national laboratories.*
- Sec. 3153. *Report on security vulnerabilities of national laboratory computers.*
- Sec. 3154. *Counterintelligence polygraph program.*
- Sec. 3155. *Definitions of national laboratory and nuclear weapons production facility.*
- Sec. 3156. *Definition of Restricted Data.*

Subtitle E—Matters Relating to Personnel

- Sec. 3161. *Extension of authority of Department of Energy to pay voluntary separation incentive payments.*
- Sec. 3162. *Fellowship program for development of skills critical to the Department of Energy nuclear weapons complex.*
- Sec. 3163. *Maintenance of nuclear weapons expertise in the Department of Defense and Department of Energy.*
- Sec. 3164. *Whistleblower protection program.*

Subtitle F—Other Matters

- Sec. 3171. *Requirement for plan to improve reprogramming processes.*
- Sec. 3172. *Integrated fissile materials management plan.*
- Sec. 3173. *Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities.*
- Sec. 3174. *Sense of Congress regarding technology transfer coordination for Department of Energy national laboratories.*
- Sec. 3175. *Pilot program for project management oversight regarding Department of Energy construction projects.*
- Sec. 3176. *Pilot program of Department of Energy to authorize use of prior year unobligated balances for accelerated site cleanup at Rocky Flats Environmental Technology Site, Colorado.*
- Sec. 3177. *Proposed schedule for shipments of waste from Rocky Flats Environmental Technology Site, Colorado, to Waste Isolation Pilot Plant, New Mexico.*
- Sec. 3178. *Comptroller General report on closure of Rocky Flats Environmental Technology Site, Colorado.*
- Sec. 3179. *Extension of review of Waste Isolation Pilot Plant, New Mexico.*

TITLE XXXII—NATIONAL NUCLEAR SECURITY ADMINISTRATION

- Sec. 3201. *Short title.*
- Sec. 3202. *Under Secretary for Nuclear Security of Department of Energy.*
- Sec. 3203. *Establishment of policy for National Nuclear Security Administration.*
- Sec. 3204. *Organization of Department of Energy counterintelligence and intelligence programs and activities.*

Subtitle A—Establishment and Organization

- Sec. 3211. *Establishment and mission.*
- Sec. 3212. *Administrator for Nuclear Security.*
- Sec. 3213. *Status of Administration and contractor personnel within Department of Energy.*
- Sec. 3214. *Deputy Administrator for Defense Programs.*
- Sec. 3215. *Deputy Administrator for Defense Nuclear Nonproliferation.*
- Sec. 3216. *Deputy Administrator for Naval Reactors.*

- Sec. 3217. *General Counsel.*
 Sec. 3218. *Staff of Administration.*

Subtitle B—Matters Relating to Security

- Sec. 3231. *Protection of national security information.*
 Sec. 3232. *Office of Defense Nuclear Counterintelligence and Office of Defense Nuclear Security.*
 Sec. 3233. *Counterintelligence programs.*
 Sec. 3234. *Procedures relating to access by individuals to classified areas and information of Administration.*
 Sec. 3235. *Government access to information on Administration computers.*
 Sec. 3236. *Congressional oversight of special access programs.*

Subtitle C—Matters Relating to Personnel

- Sec. 3241. *Authority to establish certain scientific, engineering, and technical positions.*
 Sec. 3242. *Voluntary early retirement authority.*
 Sec. 3243. *Severance pay.*
 Sec. 3244. *Continued coverage of health care benefits.*

Subtitle D—Budget and Financial Management

- Sec. 3251. *Separate treatment in budget.*
 Sec. 3252. *Planning, programming, and budgeting process.*
 Sec. 3253. *Future-years nuclear security program.*

Subtitle E—Miscellaneous Provisions

- Sec. 3261. *Environmental protection, safety, and health requirements.*
 Sec. 3262. *Compliance with Federal Acquisition Regulation.*
 Sec. 3263. *Sharing of technology with Department of Defense.*
 Sec. 3264. *Use of capabilities of national security laboratories by entities outside Administration.*

Subtitle F—Definitions

- Sec. 3281. *Definitions.*

Subtitle G—Amendatory Provisions, Transition Provisions, and Effective Dates

- Sec. 3291. *Functions transferred.*
 Sec. 3292. *Transfer of funds and employees.*
 Sec. 3293. *Pay levels.*
 Sec. 3294. *Conforming amendments.*
 Sec. 3295. *Transition provisions.*
 Sec. 3296. *Applicability of preexisting laws and regulations.*
 Sec. 3297. *Report containing implementation plan of Secretary of Energy.*
 Sec. 3298. *Classification in United States Code.*
 Sec. 3299. *Effective dates.*

TITLE XXXIII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3301. *Authorization.*

TITLE XXXIV—NATIONAL DEFENSE STOCKPILE

- Sec. 3401. *Authorized uses of stockpile funds.*
 Sec. 3402. *Disposal of certain materials in National Defense Stockpile.*
 Sec. 3403. *Limitations on previous authority for disposal of stockpile materials.*

TITLE XXXV—PANAMA CANAL COMMISSION

- Sec. 3501. *Short title.*
 Sec. 3502. *Authorization of expenditures.*
 Sec. 3503. *Purchase of vehicles.*
 Sec. 3504. *Office of Transition Administration.*
 Sec. 3505. *Expenditures only in accordance with treaties.*

TITLE XXXVI—MARITIME ADMINISTRATION

- Sec. 3601. *Short title.*
 Sec. 3602. *Authorization of appropriations for fiscal year 2000.*

Subtitle C—Authorization of Appropriations

SEC. 3041. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.*
- Sec. 3102. Defense environmental restoration and waste management.*
- Sec. 3103. Other defense activities.*
- Sec. 3104. Defense nuclear waste disposal.*
- Sec. 3105. Defense environmental management privatization.*

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.*
- Sec. 3122. Limits on general plant projects.*
- Sec. 3123. Limits on construction projects.*
- Sec. 3124. Fund transfer authority.*
- Sec. 3125. Authority for conceptual and construction design.*
- Sec. 3126. Authority for emergency planning, design, and construction activities.*
- Sec. 3127. Funds available for all national security programs of the Department of Energy.*
- Sec. 3128. Availability of funds.*
- Sec. 3129. Transfers of defense environmental management funds.*

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Prohibition on use of funds for certain activities under formerly utilized site remedial action program.*
- Sec. 3132. Continuation of processing, treatment, and disposition of legacy nuclear materials.*
- Sec. 3133. Nuclear weapons stockpile life extension program.*
- Sec. 3134. Procedures for meeting tritium production requirements.*
- Sec. 3135. Independent cost estimate of accelerator production of tritium.*
- Sec. 3136. Nonproliferation initiatives and activities.*
- Sec. 3137. Support of theater ballistic missile defense activities of the Department of Defense.*

Subtitle D—Matters Relating to Safeguards, Security, and Counterintelligence

- Sec. 3141. Short title.*
- Sec. 3142. Commission on Safeguards, Security, and Counterintelligence at Department of Energy facilities.*
- Sec. 3143. Background investigations of certain personnel at Department of Energy facilities.*
- Sec. 3144. Conduct of security clearances.*
- Sec. 3145. Protection of classified information during laboratory-to-laboratory exchanges.*
- Sec. 3146. Restrictions on access to national laboratories by foreign visitors from sensitive countries.*
- Sec. 3147. Department of Energy regulations relating to the safeguarding and security of Restricted Data.*

- Sec. 3148. Increased penalties for misuse of Restricted Data.*
- Sec. 3149. Supplement to plan for declassification of Restricted Data and formerly Restricted Data.*
- Sec. 3150. Notice to congressional committees of certain security and counterintelligence failures within nuclear energy defense programs.*
- Sec. 3151. Annual report by the President on espionage by the People's Republic of China.*
- Sec. 3152. Report on counterintelligence and security practices at national laboratories.*
- Sec. 3153. Report on security vulnerabilities of national laboratory computers.*
- Sec. 3154. Counterintelligence polygraph program.*
- Sec. 3155. Definitions of national laboratory and nuclear weapons production facility.*
- Sec. 3156. Definition of Restricted Data.*

Subtitle E—Matters Relating to Personnel

- Sec. 3161. Extension of authority of Department of Energy to pay voluntary separation incentive payments.*
- Sec. 3162. Fellowship program for development of skills critical to the Department of Energy nuclear weapons complex.*
- Sec. 3163. Maintenance of nuclear weapons expertise in the Department of Defense and Department of Energy.*
- Sec. 3164. Whistleblower protection program.*

Subtitle F—Other Matters

- Sec. 3171. Requirement for plan to improve reprogramming processes.*
- Sec. 3172. Integrated fissile materials management plan.*
- Sec. 3173. Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities.*
- Sec. 3174. Sense of Congress regarding technology transfer coordination for Department of Energy national laboratories.*
- Sec. 3175. Pilot program for project management oversight regarding Department of Energy construction projects.*
- Sec. 3176. Pilot program of Department of Energy to authorize use of prior year unobligated balances for accelerated site cleanup at Rocky Flats Environmental Technology Site, Colorado.*
- Sec. 3177. Proposed schedule for shipments of waste from Rocky Flats Environmental Technology Site, Colorado, to Waste Isolation Pilot Plant, New Mexico.*
- Sec. 3178. Comptroller General report on closure of Rocky Flats Environmental Technology Site, Colorado.*
- Sec. 3179. Extension of review of Waste Isolation Pilot Plant, New Mexico.*

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) *IN GENERAL.*—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for weapons activities in carrying out programs necessary for national security in the amount of \$4,489,995,000, to be allocated as follows:

(1) *STOCKPILE STEWARDSHIP.*—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of \$2,252,300,000, to be allocated as follows:

(A) For core stockpile stewardship, \$1,743,500,000, to be allocated as follows:

(i) For operation and maintenance, \$1,610,355,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modifica-

tion of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$133,145,000, to be allocated as follows:

Project 00-D-103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, \$8,000,000.

Project 00-D-105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, \$26,000,000.

Project 00-D-107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$1,800,000.

Project 99-D-102, rehabilitation of maintenance facility, Lawrence Livermore National Laboratory, Livermore, California, \$3,900,000.

Project 99-D-103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, \$2,000,000.

Project 99-D-104, protection of real property (roof reconstruction, Phase II), Lawrence Livermore National Laboratory, Livermore, California, \$2,400,000.

Project 99-D-105, central health physics calibration facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,000,000.

Project 99-D-106, model validation and system certification test center, Sandia National Laboratories, Albuquerque, New Mexico, \$6,500,000.

Project 99-D-108, renovate existing roadways, Nevada Test Site, Nevada, \$7,005,000.

Project 97-D-102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$61,000,000.

Project 96-D-102, stockpile stewardship facilities revitalization, Phase VI, various locations, \$2,640,000.

Project 96-D-104, processing and environmental technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$10,900,000.

(B) For inertial fusion, \$475,700,000, to be allocated as follows:

(i) For operation and maintenance, \$227,600,000.

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), \$248,100,000, to be allocated as follows:

Project 96-D-111, national ignition facility, Lawrence Livermore National Laboratory, Livermore, California, \$248,100,000.

(C) For technology partnership and education, \$33,100,000, of which \$14,500,000 shall be allocated for

technology partnership and \$18,600,000 shall be allocated for education.

(2) *STOCKPILE MANAGEMENT.*—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of \$2,023,300,000, to be allocated as follows:

(A) For operation and maintenance, \$1,864,621,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$158,679,000, to be allocated as follows:

Project 99-D-122, rapid reactivation, various locations, \$11,700,000.

Project 99-D-127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, \$17,000,000.

Project 99-D-128, stockpile management restructuring initiative, Pantex Plant consolidation, Amarillo, Texas, \$3,429,000.

Project 99-D-132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, \$11,300,000.

Project 98-D-123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, \$21,800,000.

Project 98-D-124, stockpile management restructuring initiative, Y-12 Plant consolidation, Oak Ridge, Tennessee, \$3,150,000.

Project 98-D-125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, \$33,000,000.

Project 98-D-126, accelerator production of tritium, various locations, \$31,000,000.

Project 97-D-123, structural upgrades, Kansas City Plant, Kansas City, Missouri, \$4,800,000.

Project 95-D-102, chemistry and metallurgy research upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, \$18,000,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, \$3,500,000.

(3) *PROGRAM DIRECTION.*—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for program direction in carrying out weapons activities necessary for national security programs in the amount of \$241,500,000.

(b) *ADJUSTMENT.*—The total amount authorized to be appropriated pursuant to subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (3) of that subsection, reduced by \$27,105,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) *IN GENERAL.*—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of \$5,495,868,000, to be allocated as follows:

(1) *CLOSURE PROJECTS.*—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of \$1,069,492,000.

(2) *SITE PROJECT AND COMPLETION.*—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$980,919,000, to be allocated as follows:

(A) For operation and maintenance, \$892,629,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$88,290,000, to be allocated as follows:

Project 99-D-402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, \$3,100,000.

Project 99-D-404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho, \$7,200,000.

Project 98-D-401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, \$2,977,000.

Project 98-D-453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, \$16,860,000.

Project 98-D-700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho, \$2,590,000.

Project 97-D-450, Actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, \$4,000,000.

Project 97-D-470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, \$12,220,000.

Project 96-D-406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, \$24,441,000.

Project 96-D-464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho, \$11,971,000.

Project 96-D-471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, \$931,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, \$2,000,000.

(3) *POST-2006 COMPLETION.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$2,919,948,000, to be allocated as follows:*

(A) For operation and maintenance, \$2,873,697,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$46,251,000, to be allocated as follows:

Project 00-D-401, spent nuclear fuel treatment and storage facility, title I and II, Savannah River Site, Aiken, South Carolina, \$7,000,000.

Project 99-D-403, privatization phase I infrastructure support, Richland, Washington, \$13,988,000.

Project 97-D-402, tank farm restoration and safe operations, Richland, Washington, \$20,516,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, \$4,060,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, \$8,987,000.

(4) *SCIENCE AND TECHNOLOGY.—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$230,500,000.*

(5) *PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$339,409,000.*

(b) *ADJUSTMENTS.—(1) The total amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (5) of that subsection reduced by \$44,400,000, to be derived from environmental restoration and waste management, environment, safety, and health programs.*

(2) The amount authorized to be appropriated pursuant to subsection (a)(3)(B) is reduced by \$8,300,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) *IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for other defense activities in carrying out programs necessary for national security in the amount of \$1,805,959,000, to be allocated as follows:*

(1) NONPROLIFERATION AND NATIONAL SECURITY.—For nonproliferation and national security, \$732,100,000, to be allocated as follows:

(A) For verification and control technology, \$497,000,000, to be allocated as follows:

(i) For nonproliferation and verification research and development, \$221,000,000, to be allocated as follows:

(I) For operation and maintenance, \$215,000,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$6,000,000, to be allocated as follows:

Project 00-D-192, nonproliferation and international security center, Los Alamos National Laboratory, Los Alamos, New Mexico, \$6,000,000.

(ii) For arms control, \$276,000,000.

(B) For nuclear safeguards and security, \$59,100,000.

(C) For international nuclear safety, \$24,700,000.

(D) For security investigations, \$44,100,000.

(E) For emergency management, \$21,000,000.

(F) For highly enriched uranium transparency implementation, \$15,750,000.

(G) For program direction, \$90,450,000.

(2) INTELLIGENCE.—For intelligence, \$36,059,000.

(3) COUNTERINTELLIGENCE.—For counterintelligence, \$39,200,000.

(4) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, \$30,000,000, to be allocated as follows:

(A) For worker and community transition, \$26,500,000.

(B) For program direction, \$3,500,000.

(5) FISSILE MATERIALS CONTROL AND DISPOSITION.—For fissile materials control and disposition, \$200,000,000, to be allocated as follows:

(A) For operation and maintenance, \$129,766,000.

(B) For program direction, \$7,343,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$62,891,000, to be allocated as follows:

Project 00-D-142, immobilization and associated processing facility, various locations, \$21,765,000.

Project 99-D-141, pit disassembly and conversion facility, various locations, \$28,751,000.

Project 99-D-143, mixed oxide fuel fabrication facility, various locations, \$12,375,000.

(6) ENVIRONMENT, SAFETY, AND HEALTH.—For environment, safety, and health, defense, \$98,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), \$73,231,000.

(B) For program direction, \$24,769,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, \$3,000,000.

(8) NAVAL REACTORS.—For naval reactors, \$677,600,000, to be allocated as follows:

(A) *For naval reactors development, \$657,000,000, to be allocated as follows:*

(i) *For operation and maintenance, \$633,000,000.*

(ii) *For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$24,000,000, to be allocated as follows:*

GPN-101 general plant projects, various locations, \$9,000,000.

Project 98-D-200, site laboratory/facility upgrade, various locations, \$3,000,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, \$12,000,000.

(B) *For program direction, \$20,600,000.*

(b) **ADJUSTMENTS.**—(1) *The total amount authorized to be appropriated pursuant to subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (8) of that subsection, reduced by \$10,000,000.*

(2) *The amount authorized to be appropriated pursuant to subsection (a)(1)(D) is reduced by \$20,000,000 to reflect an offset provided by user organizations for security investigations.*

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

(a) **DEFENSE NUCLEAR WASTE DISPOSAL.**—*Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$112,000,000.*

(b) **ADJUSTMENT.**—*The amount authorized to be appropriated pursuant to subsection (a) is reduced by \$39,000,000.*

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) **IN GENERAL.**—*Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$228,000,000, to be allocated as follows:*

Project 98-PVT-2, spent nuclear fuel dry storage, Idaho Falls, Idaho, \$5,000,000.

Project 98-PVT-5, environmental management and waste disposal, Oak Ridge, Tennessee, \$20,000,000.

Project 97-PVT-1, tank waste remediation system phase I, Hanford, Washington, \$106,000,000.

Project 97-PVT-2, advanced mixed waste treatment facility, Idaho Falls, Idaho, \$110,000,000.

Project 97-PVT-3, transuranic waste treatment, Oak Ridge, Tennessee, \$12,000,000.

(b) **EXPLANATION OF ADJUSTMENT.**—*The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects in that subsection reduced by \$25,000,000 for use of prior year balances of funds for defense environmental management privatization.*

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) *IN GENERAL.*—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 45 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) \$1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) *REPORT.*—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 45-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) *LIMITATIONS.*—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) *IN GENERAL.*—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed \$5,000,000.

(b) *REPORT TO CONGRESS.*—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) *IN GENERAL.*—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) *EXCEPTION.*—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) *TRANSFER TO OTHER FEDERAL AGENCIES.*—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) *TRANSFER WITHIN DEPARTMENT OF ENERGY.*—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) *LIMITATION.*—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) *NOTICE TO CONGRESS.*—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) *REQUIREMENT FOR CONCEPTUAL DESIGN.*—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds \$3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than \$5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed \$600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds \$600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) **AUTHORITY.**—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) **LIMITATION.**—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) **SPECIFIC AUTHORITY.**—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) **IN GENERAL.**—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) **EXCEPTION FOR PROGRAM DIRECTION FUNDS.**—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2001.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) **TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.**—*The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.*

(b) **LIMITATIONS.**—(1) *Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.*

(2) *The amount transferred to or from a program or project under subsection (a) may not exceed \$5,000,000 in a fiscal year.*

(3) *A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.*

(4) *Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.*

(c) **EXEMPTION FROM REPROGRAMMING REQUIREMENTS.**—*The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).*

(d) **NOTIFICATION.**—*The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.*

(e) **DEFINITIONS.**—*In this section:*

(1) *The term “program or project” means, with respect to a field office of the Department of Energy, any of the following:*

(A) *A program referred to or a project listed in paragraph (2) or (3) of section 3102.*

(B) *A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.*

(2) *The term “defense environmental management funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.*

(f) **DURATION OF AUTHORITY.**—*The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 1999, and ending on September 30, 2000.*

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES UNDER FORMERLY UTILIZED SITE REMEDIAL ACTION PROGRAM.

Notwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act, or by any Act authorizing appropriations for the military activities of the Department of Defense or the defense activities of the Department of Energy for a fiscal year after fiscal year 2000, may be obligated or expended to conduct treatment, storage, or disposal activities at any site designated as a site under the Formerly Utilized Site Remedial Action Program as of the date of the enactment of this Act.

SEC. 3132. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSITION OF LEGACY NUCLEAR MATERIALS.

The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site, Aiken, South Carolina, and shall provide the technical staff necessary to operate and so maintain such facilities.

SEC. 3133. NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Energy shall, in consultation with the Secretary of Defense, carry out a program to provide for the extension of the effective life of the weapons in the nuclear weapons stockpile.

(b) ADMINISTRATIVE RESPONSIBILITY FOR PROGRAM.—(1) The program under subsection (a) shall be carried out through the element of the Department of Energy with responsibility for defense programs.

(2) For each budget submitted by the President to Congress under section 1105 of title 31, United States Code, the amounts requested for the program shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.

(c) PROGRAM PLAN.—As part of the program under subsection (a), the Secretary shall develop a long-term plan for the extension of the effective life of the weapons in the nuclear weapons stockpile. The plan shall include the following:

(1) Mechanisms to provide for the remanufacture, refurbishment, and modernization of each weapon design designated by the Secretary for inclusion in the enduring nuclear weapons stockpile as of the date of the enactment of this Act.

(2) Mechanisms to expedite the collection of information necessary for carrying out the program, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials.

(3) Mechanisms to ensure the appropriate assignment of roles and missions for each nuclear weapons laboratory and production plant of the Department, including mechanisms for allocation of workload, mechanisms to ensure the carrying out

of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel.

(4) Mechanisms for allocating funds for activities under the program, including allocations of funds by weapon type and facility.

(5) An identification of the funds needed, in the current fiscal year and in each of the next five fiscal years, to carry out the program.

(d) ANNUAL SUBMITTAL OF PLAN.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the plan developed under subsection (c) not later than January 1, 2000. The plan shall contain the maximum level of detail practicable.

(2) The Secretary shall submit to the committees referred to in paragraph (1) each year after 2000, at the same time as the submission of the budget for the fiscal year beginning in such year under section 1105 of title 31, United States Code, an update of the plan submitted under paragraph (1). Each update shall contain the same level of detail as the plan submitted under paragraph (1).

(e) GAO ASSESSMENT.—Not later than 30 days after the submission of the plan under subsection (d)(1) or any update of the plan under subsection (d)(2), the Comptroller General shall submit to the committees referred to in subsection (d)(1) an assessment of whether the program can be carried out under the plan or the update (as applicable)—

(1) in the current fiscal year, given the budget for that fiscal year; and

(2) in future fiscal years.

(f) SENSE OF CONGRESS REGARDING FUNDING OF PROGRAM.—It is the sense of Congress that the President should include in each budget for a fiscal year submitted to Congress under section 1105 of title 31, United States Code, sufficient funds to carry out in the fiscal year covered by such budget the activities under the program under subsection (a) that are specified in the most current version of the plan for the program under this section.

SEC. 3134. PROCEDURES FOR MEETING TRITIUM PRODUCTION REQUIREMENTS.

(a) PRODUCTION OF NEW TRITIUM.—The Secretary of Energy shall produce new tritium to meet the requirements of the Nuclear Weapons Stockpile Memorandum at the Tennessee Valley Authority Watts Bar or Sequoyah nuclear power plants consistent with the Secretary's December 22, 1998, decision document designating the Secretary's preferred tritium production technology.

(b) SUPPORT.—To support the method of tritium production set forth in subsection (a), the Secretary shall design and construct a new tritium extraction facility in the H-Area of the Savannah River Site, Aiken, South Carolina.

(c) DESIGN AND ENGINEERING DEVELOPMENT.—The Secretary shall—

(1) complete preliminary design and engineering development of the Accelerator Production of Tritium technology design as a backup source of tritium to the source set forth in subsection (a) and consistent with the Secretary's December 22, 1998, decision document; and

(2) make available those funds necessary to complete engineering development and demonstration, preliminary design, and detailed design of key elements of the system consistent with the Secretary's decision document of December 22, 1998.

SEC. 3135. INDEPENDENT COST ESTIMATE OF ACCELERATOR PRODUCTION OF TRITIUM.

(a) **INDEPENDENT COST ESTIMATE.**—(1) The Secretary of Energy shall obtain an independent cost estimate of the accelerator production of tritium.

(2) The estimate shall be obtained from an entity not within the Department of Energy.

(3) The estimate shall be conducted at the highest possible level of detail, but in no event at a level of detail below that currently defined by the Secretary as Type III, "parametric estimate".

(b) **REPORT.**—Not later than April 1, 2000, the Secretary shall submit to the congressional defense committees a report on the independent cost estimate obtained pursuant to subsection (a).

SEC. 3136. NONPROLIFERATION INITIATIVES AND ACTIVITIES.

(a) **INITIATIVE FOR PROLIFERATION PREVENTION PROGRAM.**—(1) Not more than 35 percent of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program (IPP) may be obligated or expended by the Department of Energy national laboratories to carry out or provide oversight of any activities under that program.

(2)(A) None of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program may be used to increase or otherwise supplement the pay or benefits of a scientist or engineer if the scientist or engineer—

(i) is currently engaged in activities directly related to the design, development, production, or testing of chemical or biological weapons or a missile system to deliver such weapons; or

(ii) was not formerly engaged in activities directly related to the design, development, production, or testing of weapons of mass destruction or a missile system to deliver such weapons.

(B) None of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program may be made available to an institute if the institute—

(i) is currently involved in activities described in subparagraph (A)(i); or

(ii) was not formerly involved in activities described in subparagraph (A)(ii).

(3)(A) No funds available for the Initiatives for Proliferation Prevention program may be provided to an institute or scientist under the program if the Secretary of Energy determines that the institute or scientist has made a scientific or business contact in any way associated with or related to weapons of mass destruction with a representative of a country of proliferation concern.

(B) For purposes of this paragraph, the term "country of proliferation concern" means any country so designated by the Director of Central Intelligence for purposes of the Initiatives for Proliferation Prevention program.

(4)(A) *The Secretary of Energy shall prescribe procedures for the review of projects under the Initiatives for Proliferation Prevention program. The purpose of the review shall be to ensure the following:*

(i) That the military applications of such projects, and any information relating to such applications, is not inadvertently transferred or utilized for military purposes.

(ii) That activities under the projects are not redirected toward work relating to weapons of mass destruction.

(iii) That the national security interests of the United States are otherwise fully considered before the commencement of the projects.

(B) Not later than 30 days after the date on which the Secretary prescribes the procedures required by subparagraph (A), the Secretary shall submit to Congress a report on the procedures. The report shall set forth a schedule for the implementation of the procedures.

(5)(A) The Secretary shall evaluate the projects carried out under the Initiatives for Proliferation Prevention program for commercial purposes to determine whether or not such projects are likely to achieve their intended commercial objectives.

(B) If the Secretary determines as a result of the evaluation that a project is not likely to achieve its intended commercial objective, the Secretary shall terminate the project.

(6) Funds appropriated for the Initiatives for Proliferation Prevention program may not be used to pay any tax or customs duty levied by the government of the Russian Federation. In the event payment of such a tax or customs duty with such funds is unavoidable, the Secretary of Energy shall—

(A) after such payment, submit a report to the congressional defense committees explaining the particular circumstances making such payment under the Initiatives for Proliferation Prevention program with such funds unavoidable; and

(B) ensure that sufficient additional funds are provided to the Initiatives for Proliferation Prevention Program to offset the amount of such payment.

(b) NUCLEAR CITIES INITIATIVE.—(1) No amounts authorized to be appropriated by this title for the Nuclear Cities Initiative may be obligated or expended for purposes of the initiative until the Secretary of Energy certifies to Congress that Russia has agreed to close some of its facilities engaged in work on weapons of mass destruction.

(2) Notwithstanding a certification under paragraph (1), amounts authorized to be appropriated by this title for the Nuclear Cities Initiative may not be obligated or expended for purposes of providing assistance under the initiative to more than three nuclear cities, and more than two serial production facilities, in Russia in fiscal year 2000.

(3)(A) The Secretary shall conduct a study of the potential economic effects of each commercial program proposed under the Nuclear Cities Initiative before providing assistance for the conduct of the program. The study shall include an assessment regarding whether or not the mechanisms for job creation under each program

are likely to lead to the creation of the jobs intended to be created by that program.

(B) If the Secretary determines as a result of the study that the intended commercial benefits of a program are not likely to be achieved, the Secretary may not provide assistance for the conduct of that program.

(4) Not later than January 1, 2000, the Secretary shall submit to Congress a report describing the participation in or contribution to the Nuclear Cities Initiative of each department and agency of the United States Government that participates in or contributes to the initiative. The report shall describe separately any interagency participation in or contribution to the initiative.

(c) REPORT.—(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Initiatives for Proliferation Prevention program and the Nuclear Cities Initiative.

(2) The report shall include the following:

(A) A strategic plan for the Initiatives for Proliferation Prevention program and for the Nuclear Cities Initiative, which shall establish objectives for the program or initiative, as the case may be, and means for measuring the achievement of such objectives.

(B) A list of the most successful projects under the Initiatives for Proliferation Prevention program, including for each such project the name of the institute and scientists who are participating or have participated in the project, the number of jobs created through the project, and the manner in which the project has met the nonproliferation objectives of the United States.

(C) A list of the institutes and scientists associated with weapons of mass destruction programs or other defense-related programs in the states of the former Soviet Union that the Department seeks to engage in commercial work under the Initiatives for Proliferation Prevention program or the Nuclear Cities Initiative, including—

(i) a description of the work performed by such institutes and scientists under such weapons of mass destruction programs or other defense-related programs; and

(ii) a description of any work proposed to be performed by such institutes and scientists under the Initiatives for Proliferation Prevention program or the Nuclear Cities Initiative.

(d) NUCLEAR CITIES INITIATIVE DEFINED.—For purposes of this section, the term “Nuclear Cities Initiative” means the initiative arising pursuant to the March 1998 discussions between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation.

SEC. 3137. SUPPORT OF THEATER BALLISTIC MISSILE DEFENSE ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) FUNDS TO CARRY OUT CERTAIN BALLISTIC MISSILE DEFENSE ACTIVITIES.—Of the amounts authorized to be appropriated

to the Department of Energy pursuant to section 3101, \$25,000,000 shall be available for research, development, and demonstration activities to support the mission of the Ballistic Missile Defense Organization of the Department of Defense, including the following activities:

(1) Technology development, concept demonstration, and integrated testing to improve reliability and reduce risk in hit-to-kill interceptors for theater ballistic missile defense.

(2) Support for science and engineering teams to address technical problems identified by the Director of the Ballistic Missile Defense Organization as critical to acquisition of a theater ballistic missile defense capability.

(b) *MEMORANDUM OF UNDERSTANDING*.—The activities referred to in subsection (a) shall be carried out under the memorandum of understanding entered into by the Secretary of Energy and the Secretary of Defense for the use of national laboratories for ballistic missile defense programs, as required by section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034).

(c) *METHOD OF FUNDING*.—Funds for activities referred to in subsection (a) may be provided—

(1) by direct payment from funds available pursuant to subsection (a); or

(2) in the case of such an activity carried out by a national laboratory but paid for by the Ballistic Missile Defense Organization, through a method under which the Secretary of Energy waives any requirement for the Department of Defense to pay any indirect expenses (including overhead and federal administrative charges) of the Department of Energy or its contractors.

Subtitle D—Matters Relating to Safeguards, Security, and Counterintelligence

SEC. 3141. SHORT TITLE.

This subtitle may be cited as the “Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999”.

SEC. 3142. COMMISSION ON SAFEGUARDS, SECURITY, AND COUNTERINTELLIGENCE AT DEPARTMENT OF ENERGY FACILITIES.

(a) *ESTABLISHMENT*.—There is hereby established a commission to be known as the Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities (in this section referred to as the “Commission”).

(b) *MEMBERSHIP AND ORGANIZATION*.—(1) The Commission shall be composed of nine members appointed from among individuals in the public and private sectors who have significant experience in matters related to the security of nuclear weapons and materials, the classification of information, or counterintelligence matters, as follows:

(A) Two shall be appointed by the chairman of the Committee on Armed Services of the Senate, in consultation with the ranking member of that Committee.

(B) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate, in consultation with the chairman of that Committee.

(C) Two shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives, in consultation with the ranking member of that Committee.

(D) One shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives, in consultation with the chairman of that Committee.

(E) One shall be appointed by the Secretary of Defense.

(F) One shall be appointed by the Director of the Federal Bureau of Investigation.

(G) One shall be appointed by the Director of Central Intelligence.

(2) Members of the Commission shall be appointed for four year terms, except as follows:

(A) One member initially appointed under paragraph (1)(A) shall serve a term of two years, to be designated at the time of appointment.

(B) One member initially appointed under paragraph (1)(C) shall serve a term of two years, to be designated at the time of appointment.

(C) The member initially appointed under paragraph (1)(E) shall serve a term of two years.

(3) Any vacancy in the Commission shall be filled in the same manner as the original appointment and shall not affect the powers of the Commission.

(4)(A) After five members of the Commission have been appointed under paragraph (1), the chairman of the Committee on Armed Services of the Senate, in consultation with the chairman of the Committee on Armed Services of the House of Representatives, shall designate the chairman of the Commission from among the members appointed under paragraph (1)(A).

(B) The chairman of the Commission may be designated once five members of the Commission have been appointed under paragraph (1).

(5) The initial members of the Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(6) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(7) The Commission shall meet not less often than once every three months.

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

(c) DUTIES.—(1) The Commission shall, in accordance with this section, review the safeguards, security, and counterintelligence activities (including activities relating to information management, computer security, and personnel security) at Department of Energy facilities to—

(A) determine the adequacy of those activities to ensure the security of sensitive information, processes, and activities under

the jurisdiction of the Department against threats to the disclosure of such information, processes, and activities; and

(B) make recommendations for actions the Commission determines as being necessary to ensure that such security is achieved and maintained.

(2) The activities of the Commission under paragraph (1) shall include the following:

(A) An analysis of the sufficiency of the Design Threat Basis documents as a basis for the allocation of resources for safeguards, security, and counterintelligence activities at the Department facilities in light of applicable guidance with respect to such activities, including applicable laws, Department of Energy orders, Presidential Decision Directives, and Executive orders.

(B) Visits to Department facilities to assess the adequacy of the safeguards, security, and counterintelligence activities at such facilities.

(C) Evaluations of specific concerns set forth in Department reports regarding the status of safeguards, security, or counterintelligence activities at particular Department facilities or at facilities throughout the Department.

(D) Reviews of relevant laws, Department orders, and other requirements relating to safeguards, security, and counterintelligence activities at Department facilities.

(E) Any other activities relating to safeguards, security, and counterintelligence activities at Department facilities that the Secretary of Energy considers appropriate.

(d) REPORT.—(1) Not later than February 15 each year, the Commission shall submit to the Secretary of Energy and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the activities of the Commission during the preceding year. The report shall be submitted in unclassified form, but may include a classified annex.

(2) Each report—

(A) shall describe the activities of the Commission during the year covered by the report;

(B) shall set forth proposals for any changes in safeguards, security, or counterintelligence activities at Department of Energy facilities that the Commission considers appropriate in light of such activities; and

(C) may include any other recommendations for legislation or administrative action that the Commission considers appropriate.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation by reason of their service on the Commission.

(2) *The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.*

(3)(A) *The Commission may, without regard to the civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties.*

(B) *The Commission may fix the compensation of the personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.*

(4) *Any officer or employee of the United States may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.*

(5) *The members and employees of the Commission shall hold security clearances appropriate for the matters considered by the Commission in the discharge of its duties under this section.*

(f) **APPLICABILITY OF FACA.**—*The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.*

(g) **FUNDING.**—(1) *From amounts authorized to be appropriated by sections 3101 and 3103, the Secretary of Energy shall make available to the Commission not more than \$1,000,000 for the activities of the Commission under this section.*

(2) *Amounts made available to the Commission under this subsection shall remain available until expended.*

(h) **TERMINATION OF DEPARTMENT OF ENERGY SECURITY MANAGEMENT BOARD.**—(1) *Section 3161 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2048; 42 U.S.C. 7251 note) is repealed.*

(2) *Section 3162 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2049; 42 U.S.C. 7274 note) is amended—*

(A) *by striking “(a) IN GENERAL.—”; and*

(B) *by striking subsection (b).*

SEC. 3143. BACKGROUND INVESTIGATIONS OF CERTAIN PERSONNEL AT DEPARTMENT OF ENERGY FACILITIES.

(a) **IN GENERAL.**—*The Secretary of Energy shall ensure that an investigation meeting the requirements of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is made for each Department of Energy employee, or contractor employee, at a national laboratory or nuclear weapons production facility who—*

(1) *carries out duties or responsibilities in or around a location where Restricted Data is present; or*

(2) *has or may have regular access to a location where Restricted Data is present.*

(b) **COMPLIANCE.**—*The Secretary shall have 15 months from the date of the enactment of this Act to meet the requirement in subsection (a).*

SEC. 3144. CONDUCT OF SECURITY CLEARANCES.

(a) *RESPONSIBILITY OF FEDERAL BUREAU OF INVESTIGATION.*—Subsection e. of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended—

(1) by inserting “(1)” before “If”; and

(2) by adding at the end the following new paragraph:

“(2) In the case of an individual employed in a program known as a Special Access Program or a Personnel Security and Assurance Program, any investigation required by subsections a., b., and c. of this section shall be made by the Federal Bureau of Investigation.”.

(b) *COMPLIANCE.*—The Director of the Federal Bureau of Investigation shall have 18 months from the date of the enactment of this Act to meet the responsibilities of the Bureau under subsection e.(2) of section 145 of the Atomic Energy Act of 1954, as added by subsection (a).

(c) *REPORT.*—(1) Not later than six months after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the committees specified in paragraph (2) a report on the implementation of the responsibilities of the Bureau under subsection e.(2) of that section. That report shall include the following:

(A) An assessment of the capability of the Bureau to execute the additional clearance requirements, to include additional post-initial investigations.

(B) An estimate of the additional resources required, to include funding, to support the expanded use of the Bureau to conduct the additional investigations.

(C) The extent to which contractor personnel are and would be used in the clearance process.

(2) The committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3145. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.

(a) *PROVISION OF TRAINING.*—The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) *COUNTERING OF ESPIONAGE AND INTELLIGENCE-GATHERING ABROAD.*—(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Director of Counterintelligence of the Department of Energy may assign at least one employee from the pool established

under paragraph (1) to accompany a group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

SEC. 3146. RESTRICTIONS ON ACCESS TO NATIONAL LABORATORIES BY FOREIGN VISITORS FROM SENSITIVE COUNTRIES.

(a) BACKGROUND REVIEW REQUIRED.—The Secretary of Energy may not admit to any facility of a national laboratory other than areas accessible to the general public any individual who is a citizen or agent of a nation that is named on the current sensitive countries list unless the Secretary first completes a background review with respect to that individual.

(b) MORATORIUM PENDING CERTIFICATION.—(1) During the period described in paragraph (2), the Secretary may not admit to any facility of a national laboratory other than areas accessible to the general public any individual who is a citizen or agent of a nation that is named on the current sensitive countries list.

(2) The period referred to in paragraph (1) is the period beginning 30 days after the date of the enactment of this Act and ending on the later of the following:

(A) The date that is 90 days after the date of the enactment of this Act.

(B) The date that is 45 days after the date on which the Secretary submits to Congress the certifications described in paragraph (3).

(3) The certifications referred to in paragraph (2) are one certification each by the Director of Counterintelligence of the Department of Energy, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence, of each of the following:

(A) That the foreign visitors program at that facility complies with applicable orders, regulations, and policies of the Department of Energy relating to the safeguarding and security of sensitive information and fulfills any counterintelligence requirements arising under such orders, regulations, and policies.

(B) That the foreign visitors program at that facility complies with Presidential Decision Directives and similar requirements relating to the safeguarding and security of sensitive information and fulfills any counterintelligence requirements arising under such Directives or requirements.

(C) That the foreign visitors program at that facility includes adequate protections against the inadvertent release of Restricted Data, information important to the national security of the United States, and any other sensitive information the disclosure of which might harm the interests of the United States.

(D) That the foreign visitors program at that facility does not pose an undue risk to the national security interests of the United States.

(c) WAIVER OF MORATORIUM.—(1) The Secretary of Energy may waive the prohibition in subsection (b) on a case-by-case basis with respect to any specific individual or any specific delegation of individuals whose admission to a national laboratory is determined by

the Secretary to be in the interest of the national security of the United States.

(2) Not later than the seventh day of the month following a month in which a waiver is made, the Secretary shall submit a report in writing providing notice of each waiver made in that month to the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) Each such report shall be in classified form and shall contain the identity of each individual or delegation for whom such a waiver was made and, with respect to each such individual or delegation, the following information:

(A) A detailed justification for the waiver.

(B) For each individual with respect to whom a background review was conducted, whether the background review determined that negative information exists with respect to that individual.

(C) The Secretary's certification that the admission of that individual or delegation to a national laboratory is in the interest of the national security of the United States.

(4) The authority of the Secretary under paragraph (1) may be delegated only to the Director of Counterintelligence of the Department of Energy.

(d) **EXCEPTION TO MORATORIUM FOR CERTAIN INDIVIDUALS.**—The moratorium under subsection (b) shall not apply to any person who—

(1) is, on the date of the enactment of this Act, an employee or assignee of the Department of Energy, or of a contractor of the Department; and

(2) has undergone a background review in accordance with subsection (a).

(e) **EXCEPTION TO MORATORIUM FOR CERTAIN PROGRAMS.**—The moratorium under subsection (b) shall not apply—

(1) to activities relating to cooperative threat reduction with states of the former Soviet Union; or

(2) to the materials protection control and accounting program of the Department.

(f) **SENSE OF CONGRESS REGARDING BACKGROUND REVIEWS.**—It is the sense of Congress that the Secretary of Energy, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence should ensure that background reviews carried out under this section are completed in not more than 15 days.

(g) **DEFINITIONS.**—For purposes of this section:

(1) The term “background review”, commonly known as an indices check, means a review of information provided by the Director of Central Intelligence and the Director of the Federal Bureau of Investigation regarding personal background, including information relating to any history of criminal activity or to any evidence of espionage.

(2) The term “sensitive countries list” means the list prescribed by the Secretary of Energy known as the Department of

Energy List of Sensitive Countries as in effect on January 1, 1999.

SEC. 3147. DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) *IN GENERAL.*—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

“SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

“a. Any person who has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and who violates (or whose employee violates) any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this Act relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed \$100,000 for each such violation.

“b. The Secretary shall include in each contract with a contractor of the Department provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

“c. The powers and limitations applicable to the assessment of civil penalties under section 234A, except for subsection d. of that section, shall apply to the assessment of civil penalties under this section.

“d. In the case of an entity specified in subsection d. of section 234A—

“(1) the assessment of any civil penalty under subsection a. against that entity may not be made until the entity enters into a new contract with the Department of Energy or an extension of a current contract with the Department; and

“(2) the total amount of civil penalties under subsection a. in a fiscal year may not exceed the total amount of fees paid by the Department of Energy to that entity in that fiscal year.”.

(b) *APPLICABILITY.*—Subsection a. of section 234B of the Atomic Energy Act of 1954, as added by subsection (a), applies to any violation after the date of the enactment of this Act.

(c) *CLARIFYING AMENDMENT.*—The section heading of section 234A of such Act (42 U.S.C. 2282a) is amended by inserting “SAFETY” before “REGULATIONS”.

(d) *CLERICAL AMENDMENT.*—The table of sections for that Act is amended by inserting after the item relating to section 234 the following new items:

“Sec. 234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.

“Sec. 234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.”.

SEC. 3148. INCREASED PENALTIES FOR MISUSE OF RESTRICTED DATA.

(a) **COMMUNICATION OF RESTRICTED DATA.**—Section 224 of the Atomic Energy Act of 1954 (42 U.S.C. 2274) is amended—

(1) in clause a., by striking “\$20,000” and inserting “\$100,000”; and

(2) in clause b., by striking “\$10,000” and inserting “\$500,000”.

(b) **RECEIPT OF RESTRICTED DATA.**—Section 225 of such Act (42 U.S.C. 2275) is amended by striking “\$20,000” and inserting “\$100,000”.

(c) **DISCLOSURE OF RESTRICTED DATA.**—Section 227 of such Act (42 U.S.C. 2277) is amended by striking “\$2,500” and inserting “\$12,500”.

SEC. 3149. SUPPLEMENT TO PLAN FOR DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

(a) **SUPPLEMENT TO PLAN.**—The Secretary of Energy and the Archivist of the United States shall, after consultation with the members of the National Security Council and in consultation with the Secretary of Defense and the heads of other appropriate Federal agencies, develop a supplement to the plan required under subsection (a) of section 3161 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2260; 50 U.S.C. 435 note).

(b) **CONTENTS OF SUPPLEMENT.**—The supplement shall provide for the application of that plan (including in particular the element of the plan required by section 3161(b)(1) of that Act) to all records subject to Executive Order No. 12958 that were determined before the date of the enactment of that Act to be suitable for declassification.

(c) **LIMITATION ON DECLASSIFICATION OF RECORDS.**—All records referred to in subsection (b) shall be treated, for purposes of section 3161(c) of that Act, in the same manner as records referred to in section 3161(a) of that Act.

(d) **SUBMISSION OF SUPPLEMENT.**—The Secretary of Energy shall submit the supplement required under subsection (a) to the recipients of the plan referred to in section 3161(d) of that Act.

SEC. 3150. NOTICE TO CONGRESSIONAL COMMITTEES OF CERTAIN SECURITY AND COUNTERINTELLIGENCE FAILURES WITHIN NUCLEAR ENERGY DEFENSE PROGRAMS.

(a) **REQUIRED NOTIFICATION.**—The Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives a notification of each significant nuclear defense intelligence loss. Any such notification shall be provided only after consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, as appropriate.

(b) **SIGNIFICANT NUCLEAR DEFENSE INTELLIGENCE LOSSES.**—In this section, the term “significant nuclear defense intelligence loss” means any national security or counterintelligence failure or compromise of classified information at a facility of the Department of Energy or operated by a contractor of the Department that the Secretary considers likely to cause significant harm or damage to the national security interests of the United States.

(c) **MANNER OF NOTIFICATION.**—Notification of a significant nuclear defense intelligence loss under subsection (a) shall be provided,

in accordance with the procedures established pursuant to subsection (d), not later than 30 days after the date on which the Department of Energy determines that the loss has taken place.

(d) **PROCEDURES.**—The Secretary of Energy and the Committees on Armed Services of the Senate and House of Representatives shall each establish such procedures as may be necessary to protect from unauthorized disclosure classified information, information relating to intelligence sources and methods, and sensitive law enforcement information that is submitted to those committees pursuant to this section and that are otherwise necessary to carry out the provisions of this section.

(e) **STATUTORY CONSTRUCTION.**—(1) Nothing in this section shall be construed as authority to withhold any information from the Committees on Armed Services of the Senate and House of Representatives on the grounds that providing the information to those committees would constitute the unauthorized disclosure of classified information, information relating to intelligence sources and methods, or sensitive law enforcement information.

(2) Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to the Congress, including the requirement under section 501 of the National Security Act of 1947 (50 U.S.C. 413) for the President to ensure that the congressional intelligence committees are kept fully informed of the intelligence activities of the United States and for those committees to notify promptly other congressional committees of any matter relating to intelligence activities requiring the attention of those committees.

SEC. 3151. ANNUAL REPORT BY THE PRESIDENT ON ESPIONAGE BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) **ANNUAL REPORT REQUIRED.**—The President shall transmit to Congress an annual report on the steps being taken by the Department of Energy, the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, and all other relevant executive departments and agencies to respond to espionage and other intelligence activities by the People's Republic of China, particularly with respect to—

(1) the theft of sophisticated United States nuclear weapons design information; and

(2) the targeting by the People's Republic of China of United States nuclear weapons codes and other national security information of strategic concern.

(b) **INITIAL REPORT.**—The first report under this section shall be transmitted not later than March 1, 2000.

SEC. 3152. REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT NATIONAL LABORATORIES.

(a) **IN GENERAL.**—Not later than March 1 of each year, the Secretary of Energy shall submit to the Congress a report for the preceding year on counterintelligence and security practices at the facilities of the national laboratories (whether or not classified activities are carried out at the facility).

(b) **CONTENT OF REPORT.**—The report shall include, with respect to each national laboratory, the following:

(1) *The number of employees, including full-time counterintelligence and security professionals and contractor employees.*

(2) *A description of the counterintelligence and security training courses conducted and, for each such course, any requirement that employees successfully complete that course.*

(3) *A description of each contract awarded that provides an incentive for the effective performance of counterintelligence or security activities.*

(4) *A description of the requirement that an employee report the travel to sensitive countries of that employee (whether or not the travel was for official business).*

(5) *The number of trips by individuals who traveled to sensitive countries, with identification of the sensitive countries visited.*

SEC. 3153. REPORT ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.

(a) **REPORT REQUIRED.**—*Not later than March 1 of each year, the National Counterintelligence Policy Board shall prepare a report on the security vulnerabilities of the computers of the national laboratories.*

(b) **PREPARATION OF REPORT.**—*In preparing the report, the National Counterintelligence Policy Board shall establish a so-called “red team” of individuals to perform an operational evaluation of the security vulnerabilities of the computers of one or more national laboratories, including by direct experimentation. Such individuals shall be selected by the National Counterintelligence Policy Board from among employees of the Department of Defense, the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, and of other agencies, and may be detailed to the National Counterintelligence Policy Board from such agencies without reimbursement and without interruption or loss of civil service status or privilege.*

(c) **SUBMISSION OF REPORT TO SECRETARY OF ENERGY AND TO FBI DIRECTOR.**—*Not later than March 1 of each year, the report shall be submitted in classified and unclassified form to the Secretary of Energy and the Director of the Federal Bureau of Investigation.*

(d) **FORWARDING TO CONGRESSIONAL COMMITTEES.**—*Not later than 30 days after the report is submitted, the Secretary and the Director shall each separately forward that report, with the recommendations in classified and unclassified form of the Secretary or the Director, as applicable, in response to the findings of that report, to the following:*

(1) *The Committee on Armed Services and the Select Committee on Intelligence of the Senate.*

(2) *The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.*

(e) **FIRST REPORT.**—*The first report under this section shall be the report for the year 2000. That report shall cover each of the national laboratories.*

SEC. 3154. COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) *PROGRAM REQUIRED.*—The Secretary of Energy, acting through the Director of Counterintelligence, shall carry out a counterintelligence polygraph program for the defense-related activities of the Department. The counterintelligence polygraph program shall consist of the administration of counterintelligence polygraph examinations to each covered person who has access to high-risk programs.

(b) *COVERED PERSONS.*—For purposes of this section, a covered person is one of the following:

(1) An officer or employee of the Department.

(2) An expert or consultant under contract to the Department.

(3) An officer or employee of a contractor of the Department.

(c) *HIGH-RISK PROGRAMS.*—For purposes of this section, high-risk programs are the programs known as—

(1) Special Access Programs; and

(2) Personnel Security And Assurance Programs.

(d) *INITIAL TESTING AND CONSENT.*—The Secretary may not permit a covered person to have initial access to any high-risk program unless that person first undergoes a counterintelligence polygraph examination and consents in a signed writing to the counterintelligence polygraph examinations required by this section.

(e) *ADDITIONAL TESTING.*—The Secretary may not permit a covered person to have continued access to any high-risk program unless that person undergoes a counterintelligence polygraph examination within five years after that person has initial access, and thereafter—

(1) not less frequently than every five years; and

(2) at any time at the direction of the Director of Counterintelligence.

(f) *COUNTERINTELLIGENCE POLYGRAPH EXAMINATION.*—For purposes of this section, the term “counterintelligence polygraph examination” means a polygraph examination using questions reasonably calculated to obtain counterintelligence information, including questions relating to espionage, sabotage, unauthorized disclosure of classified information, and unauthorized contact with foreign nationals.

(g) *REGULATIONS.*—The Secretary shall prescribe any regulations necessary to carry out this section. Those regulations shall include procedures, to be developed in consultation with the Federal Bureau of Investigation, for—

(1) identifying and addressing “false positive” results of polygraph examinations; and

(2) ensuring that adverse personnel actions not be taken against an individual solely by reason of that individual’s physiological reaction to a question in a polygraph examination, unless reasonable efforts are first made to independently determine through alternative means the veracity of that individual’s response to that question.

(h) *PLAN FOR EXTENSION OF PROGRAM.*—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a

plan on extending the program required by this section. The plan shall provide for the administration of counterintelligence polygraph examinations in accordance with the program to each covered person who has access to—

(1) the programs known as Personnel Assurance Programs; and

(2) the information identified as Sensitive Compartmented Information.

SEC. 3155. DEFINITIONS OF NATIONAL LABORATORY AND NUCLEAR WEAPONS PRODUCTION FACILITY.

For purposes of this subtitle:

(1) The term “national laboratory” means any of the following:

(A) The Lawrence Livermore National Laboratory, Livermore, California.

(B) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(C) The Sandia National Laboratories, Albuquerque, New Mexico and Livermore, California.

(2) The term “nuclear weapons production facility” means any of the following:

(A) The Kansas City Plant, Kansas City, Missouri.

(B) The Pantex Plant, Amarillo, Texas.

(C) The Y-12 Plant, Oak Ridge, Tennessee.

(D) The tritium operations at the Savannah River Site, Aiken, South Carolina.

(E) The Nevada Test Site, Nevada.

SEC. 3156. DEFINITION OF RESTRICTED DATA.

In this subtitle, the term “Restricted Data” has the meaning given that term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

Subtitle E—Matters Relating to Personnel

SEC. 3161. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) **EXTENSION.**—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104-208; 110 Stat. 3009-383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments under such section 663 to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2003.

(b) **REPORT.**—(1) Not later than March 15, 2000, the Secretary of Energy shall submit to the Director of the Office of Personnel Management and the specified congressional committees a report describing how the Department has, by reason of the provisions of subsection (a), paid voluntary separation payments under such section 663.

(2) The report under paragraph (1) shall—

(A) include the occupations and grade levels of each employee with respect to whom the Department has, by reason of

the provisions of subsection (a), paid voluntary separation payments under such section 663; and

(B) describe how the paying of such payments by reason of the provisions of subsection (a) relates to the restructuring plans of the Department.

(3) For purposes of this subsection, the term "specified congressional committees" means the following:

(A) The Committee on Armed Services, the Committee on Government Reform, and the Committee on Commerce of the House of Representatives.

(B) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

SEC. 3162. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) IN GENERAL.—Subsection (a) of section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 621; 42 U.S.C. 2121 note) is amended—

(1) by striking "the Secretary" in the second sentence and all that follows through "provide educational assistance" and inserting "the Secretary shall provide educational assistance";

(2) by striking the semicolon after "complex" in the second sentence and inserting a period; and

(3) by striking paragraphs (2) and (3).

(b) ELIGIBLE INDIVIDUALS.—Subsection (b) of such section is amended by inserting "are United States citizens who" in the matter preceding paragraph (1) after "program".

(c) COVERED FACILITIES.—Subsection (c) of such section is amended by adding at the end the following new paragraphs:

"(5) The Lawrence Livermore National Laboratory, Livermore, California.

"(6) The Los Alamos National Laboratory, Los Alamos, New Mexico.

"(7) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California."

(d) AGREEMENT REQUIRED.—Subsection (f) of such section is amended to read as follows:

"(f) AGREEMENT.—(1) The Secretary may allow an individual to participate in the program only if the individual signs an agreement described in paragraph (2).

"(2) An agreement referred to in paragraph (1) shall be in writing, shall be signed by the participant, and shall include the participant's agreement to serve, after completion of the course of study for which the assistance was provided, as a full-time employee in a position in the Department of Energy for a period of time to be established by the Secretary of Energy of not less than one year, if such a position is offered to the participant."

(e) PLAN.—(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the congressional defense committees a plan for the administration of the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 2121 note), as amended by this section.

(2) *The plan shall include the criteria for the selection of individuals for participation in such fellowship program and a description of the provisions to be included in the agreement required by subsection (f) of such section (as amended by this section), including the period of time established by the Secretary for the participants to serve as employees.*

(f) **FUNDING.**—*Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, \$5,000,000 shall be available only to conduct the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 2121 note), as amended by this section.*

SEC. 3163. MAINTENANCE OF NUCLEAR WEAPONS EXPERTISE IN THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.

(a) **ADMINISTRATION OF JOINT NUCLEAR WEAPONS COUNCIL.**—

(1) *Subsection (b) of section 179 of title 10, United States Code, is amended by adding at the end the following new paragraph:*

“(3) The Council shall meet not less often than once every three months.”

(2) *Subsection (c) of that section is amended by adding at the end the following new paragraph:*

“(3)(A) Whenever the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs has been vacant a period of more than 6 months, the Secretary of Energy shall designate a qualified individual to serve as acting staff director of the Council until the position of that Assistant to the Secretary is filled.

“(B) An individual appointed under subparagraph (A) shall possess substantial technical and policy experience relevant to the management and oversight of nuclear weapons programs.”

(b) **REVITALIZATION OF JOINT NUCLEAR WEAPONS COUNCIL.**—

(1) *The Secretary of Defense and the Secretary of Energy shall jointly prepare, and not later than March 15, 2000, submit to the committees specified in subsection (g), a plan to revitalize the Joint Nuclear Weapons Council established by section 179 of title 10, United States Code.*

(2) *The plan shall include any proposed modification to the membership or responsibilities of the Council that the Secretaries jointly determine advisable to enhance the capability of the Council to ensure the integration of Department of Defense requirements for nuclear weapons into the programs and budget processes of the Department of Energy.*

(c) **ANNUAL REPORT ON COUNCIL ACTIVITIES.**—*Section 179(f) of title 10, United States Code, is amended by adding at the end the following:*

“(3) A description of the activities of the Council during the 12-month period ending on the date of the report together with any assessments or studies conducted by the Council during that period.

“(4) A description of the highest priority requirements of the Department of Defense with respect to the Department of Energy stockpile stewardship and management program as of that date.

“(5) An assessment of the extent to which the requirements referred to in paragraph (4) are being addressed by the Department of Energy as of that date.”.

(d) NUCLEAR MISSION MANAGEMENT PLAN.—(1) The Secretary of Defense shall develop and implement a plan to ensure the continued reliability of the capability of the Department of Defense to carry out its nuclear deterrent mission.

(2) The plan shall do the following:

(A) Articulate the current policy of the United States on the role of nuclear weapons and nuclear deterrence in the conduct of defense and foreign relations matters.

(B) Establish stockpile viability and capability requirements with respect to that mission, including the number and variety of warheads required.

(C) Establish requirements relating to the contractor industrial base, support infrastructure, and surveillance, testing, assessment, and certification of nuclear weapons necessary to support that mission.

(3) The plan shall take into account the following:

(A) Requirements for the critical skills, readiness, training, exercise, and testing of personnel necessary to meet that mission.

(B) The relevant programs and plans of the military departments and the Defense Agencies with respect to readiness, sustainment (including research and development), and modernization of the strategic deterrent forces.

(e) NUCLEAR EXPERTISE RETENTION MEASURES.—(1) Not later than March 15, 2000, the Secretary of Energy and Secretary of Defense shall submit to the committees specified in subsection (g) a joint plan setting forth the actions that the Secretaries consider necessary to retain core scientific, engineering, and technical skills and capabilities within the Department of Energy, the Department of Defense, and the contractors of those departments in order to maintain the United States nuclear deterrent force indefinitely.

(2) The plan shall include the following elements:

(A) A baseline of current skills and capabilities by location.

(B) A statement of the skills or capabilities that are at risk of being lost within the next ten years.

(C) A statement of measures that will be taken to retain such skills and capabilities.

(D) A proposal for recruitment measures to address the loss of such skills or capabilities.

(E) A proposal for the training and evaluation of personnel with core scientific, engineering, and technical skills and capabilities.

(F) A statement of the additional advanced manufacturing programs and process engineering programs that are required to maintain the nuclear deterrent force indefinitely.

(G) An assessment of the desirability of establishing a nuclear weapons workforce reserve to ensure the availability of the skills and capabilities of present and former employees of the Department of Energy, the Department of Defense, and the contractors of those departments in the event of an urgent future need for such skills and capabilities.

(f) **REPORTS ON CRITICAL DIFFICULTIES AT NUCLEAR WEAPONS LABORATORIES.**—Section 3159 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2842; 42 U.S.C. 7274o) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) **INCLUSION OF REPORTS IN ANNUAL STOCKPILE CERTIFICATION.**—Any report submitted pursuant to subsection (a) shall also be included with the decision documents that accompany the annual certification of the safety and reliability of the United States nuclear weapons stockpile which is provided to the President for the year in which such report is submitted.”

(g) **SPECIFIED COMMITTEES.**—The committees specified in this subsection are the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

SEC. 3164. WHISTLEBLOWER PROTECTION PROGRAM.

(a) **PROGRAM REQUIRED.**—The Secretary of Energy shall establish a program to ensure that covered individuals may not be discharged, demoted, or otherwise discriminated against as a reprisal for making protected disclosures.

(b) **COVERED INDIVIDUALS.**—For purposes of this section, a covered individual is an individual who is an employee of the Department of Energy, or of a contractor of the Department, who is engaged in the defense activities of the Department.

(c) **PROTECTED DISCLOSURES.**—For purposes of this section, a protected disclosure is a disclosure—

(1) made by a covered individual who takes appropriate steps to protect the security of the information in accordance with guidance provided under this section;

(2) made to a person or entity specified in subsection (d); and

(3) of classified or other information that the covered individual reasonably believes to provide direct and specific evidence of any of the following:

(A) A violation of law or Federal regulation.

(B) Gross mismanagement, a gross waste of funds, or abuse of authority.

(C) A false statement to Congress on an issue of material fact.

(d) **PERSONS AND ENTITIES TO WHICH DISCLOSURES MAY BE MADE.**—A person or entity specified in this subsection is any of the following:

(1) A member of a committee of Congress having primary responsibility for oversight of the department, agency, or element of the Government to which the disclosed information relates.

(2) An employee of Congress who is a staff member of such a committee and has an appropriate security clearance for access to information of the type disclosed.

(3) The Inspector General of the Department of Energy.

(4) The Federal Bureau of Investigation.

(5) Any other element of the Government designated by the Secretary as authorized to receive information of the type disclosed.

(e) **OFFICIAL CAPACITY OF PERSONS TO WHOM INFORMATION IS DISCLOSED.**—A member of, or an employee of Congress who is a staff member of, a committee of Congress specified in subsection (d) who receives a protected disclosure under this section does so in that member or employee's official capacity as such a member or employee.

(f) **ASSISTANCE AND GUIDANCE.**—The Secretary, acting through the Inspector General of the Department of Energy, shall provide assistance and guidance to each covered individual who seeks to make a protected disclosure under this section. Such assistance and guidance shall include the following:

(1) Identifying the persons or entities under subsection (d) to which that disclosure may be made.

(2) Advising that individual regarding the steps to be taken to protect the security of the information to be disclosed.

(3) Taking appropriate actions to protect the identity of that individual throughout that disclosure.

(4) Taking appropriate actions to coordinate that disclosure with any other Federal agency or agencies that originated the information.

(g) **REGULATIONS.**—The Secretary shall prescribe regulations to ensure the security of any information disclosed under this section.

(h) **NOTIFICATION TO COVERED INDIVIDUALS.**—The Secretary shall notify each covered individual of the following:

(1) The rights of that individual under this section.

(2) The assistance and guidance provided under this section.

(3) That the individual has a responsibility to obtain that assistance and guidance before seeking to make a protected disclosure.

(i) **COMPLAINT BY COVERED INDIVIDUALS.**—If a covered individual believes that that individual has been discharged, demoted, or otherwise discriminated against as a reprisal for making a protected disclosure under this section, the individual may submit a complaint relating to such matter to the Director of the Office of Hearings and Appeals of the Department of Energy.

(j) **INVESTIGATION BY OFFICE OF HEARINGS AND APPEALS.**—(1) For each complaint submitted under subsection (i), the Director of the Office of Hearings and Appeals shall—

(A) determine whether or not the complaint is frivolous; and

(B) if the Director determines the complaint is not frivolous, conduct an investigation of the complaint.

(2) The Director shall submit a report on each investigation undertaken under paragraph (1)(B) to—

(A) the individual who submitted the complaint on which the investigation is based;

(B) the contractor concerned, if any; and

(C) the Secretary of Energy.

(k) **REMEDIAL ACTION.**—(1) Whenever the Secretary determines that a covered individual has been discharged, demoted, or other-

wise discriminated against as a reprisal for making a protected disclosure under this section, the Secretary shall—

(A) in the case of a Department employee, take appropriate actions to abate the action; or

(B) in the case of a contractor employee, order the contractor concerned to take appropriate actions to abate the action.

(2)(A) If a contractor fails to comply with an order issued under paragraph (1)(B), the Secretary may file an action for enforcement of the order in the appropriate United States district court.

(B) In any action brought under subparagraph (A), the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

(l) **RELATIONSHIP TO OTHER LAWS.**—The protections provided by this section are independent of, and not subject to any limitations that may be provided in, the Whistleblower Protection Act of 1989 (Public Law 101-512) or any other law that may provide protection for disclosures of information by employees of the Department of Energy or of a contractor of the Department.

(m) **ANNUAL REPORT.**—(1) Not later than 30 days after the commencement of each fiscal year, the Director shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the investigations undertaken under subsection (j)(1)(B) during the preceding fiscal year, including a summary of the results of each such investigation.

(2) A report under paragraph (1) may not identify or otherwise provide any information about an individual submitting a complaint under this section without the consent of the individual.

(n) **IMPLEMENTATION REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the implementation of the program required by this section.

Subtitle F—Other Matters

SEC. 3171. REQUIREMENT FOR PLAN TO IMPROVE REPROGRAMMING PROCESSES.

Not later than November 15, 1999, the Secretary of Energy shall submit to the congressional defense committees a report on improving the reprogramming processes relating to the defense activities of the Department of Energy. The report shall include a plan to ensure that the reprogramming requests of the Department relating to those activities are submitted in a timely and disciplined manner.

SEC. 3172. INTEGRATED FISSILE MATERIALS MANAGEMENT PLAN.

(a) **PLAN.**—The Secretary of Energy shall develop a long-term plan for the integrated management of fissile materials by the Department of Energy. The plan shall—

(1) identify means of coordinating or integrating the responsibilities of the Office of Environmental Management, the Office of Fissile Materials Disposition, the Office of Nuclear En-

ergy, and the Office of Defense Programs for the treatment, storage and disposition of fissile materials, and for the waste streams containing fissile materials, in order to achieve budgetary and other efficiencies in the discharge of those responsibilities; and

(2) identify any expenditures necessary at the sites that are anticipated to have an enduring mission for plutonium management in order to achieve the integrated management of fissile materials by the Department.

(b) **SUBMITTAL TO CONGRESS.**—The Secretary shall submit the plan required by subsection (a) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than March 31, 2000.

SEC. 3173. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES AND LIMITATION ON EXPENDITURES FOR SUCH ACTIVITIES.

(a) **AMOUNTS FOR DECLASSIFICATION OF RECORDS.**—The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) specific identification, as a budgetary line item, of the amounts required to carry out programmed activities during that fiscal year to declassify records pursuant to Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records.

(b) **CERTIFICATION REQUIRED WITH RESPECT TO AUTOMATIC DECLASSIFICATION OF RECORDS.**—No records of the Department of Energy that have not as of the date of the enactment of this Act been reviewed for declassification shall be subject to automatic declassification unless the Secretary of Energy certifies to Congress that such declassification would not harm the national security.

(c) **REPORT ON AUTOMATIC DECLASSIFICATION OF DEPARTMENT OF ENERGY RECORDS.**—Not later than February 1, 2001, the Secretary of Energy shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the efforts of the Department of Energy relating to the declassification of classified records under the control of the Department of Energy. Such report shall include the following:

(1) An assessment of whether the Department will be able to review all relevant records for declassification before any date established for automatic declassification.

(2) An estimate of the number of records, if any, that the Department will be unable to review for declassification before any such date and the effect on national security of the automatic declassification of those records.

(3) An estimate of the length of time by which any such date would need to be extended to avoid the automatic declassification of records that have not yet been reviewed as of such date.

SEC. 3174. SENSE OF CONGRESS REGARDING TECHNOLOGY TRANSFER COORDINATION FOR DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) **TECHNOLOGY TRANSFER COORDINATION.**—*It is the sense of Congress that, within 90 days after the date of the enactment of this Act, the Secretary of Energy should ensure, for each national laboratory, the following:*

(1) *Consistency of technology transfer policies and procedures with respect to patenting, licensing, and commercialization.*

(2) *Training to ensure that laboratory personnel responsible for patenting, licensing, and commercialization activities are knowledgeable of the appropriate legal, procedural, and ethical standards.*

(b) **DEFINITION OF NATIONAL LABORATORY.**—*As used in this section, the term “national laboratory” means any of the following laboratories:*

(1) *The Los Alamos National Laboratory, Los Alamos, New Mexico.*

(2) *The Lawrence Livermore National Laboratory, Livermore, California.*

(3) *The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.*

SEC. 3175. PILOT PROGRAM FOR PROJECT MANAGEMENT OVERSIGHT REGARDING DEPARTMENT OF ENERGY CONSTRUCTION PROJECTS.

(a) **REQUIREMENT.**—(1) *The Secretary of Energy shall carry out a pilot program on use of project management oversight services (in this section referred to as “PMO services”) for construction projects of the Department of Energy.*

(2) *The purpose of the pilot program shall be to provide a basis for determining whether or not the use of competitively procured, external PMO services for those construction projects would permit the Department to control excessive costs and schedule delays associated with those construction projects that have large capital costs.*

(b) **PROJECTS COVERED BY PROGRAM.**—(1) *Subject to paragraph (2), the Secretary shall carry out the pilot program at construction projects selected by the Secretary. The projects shall include one or more construction projects authorized pursuant to section 3101 and one construction project authorized pursuant to section 3102.*

(2) *Each project selected by the Secretary shall be a project having capital construction costs anticipated to be not less than \$25,000,000.*

(c) **SERVICES UNDER PROGRAM.**—*The PMO services used under the pilot program shall include the following services:*

(1) *Monitoring the overall progress of a project.*

(2) *Determining whether or not a project is on schedule.*

(3) *Determining whether or not a project is within budget.*

(4) *Determining whether or not a project conforms with plans and specifications approved by the Department.*

(5) *Determining whether or not a project is being carried out efficiently and effectively.*

(6) *Any other management oversight services that the Secretary considers appropriate for purposes of the pilot program.*

(d) *PROCUREMENT OF SERVICES UNDER PROGRAM.*—Any PMO services procured under the pilot program shall be acquired—

(1) on a competitive basis; and

(2) from among commercial entities that—

(A) do not currently manage or operate facilities at a location where the pilot program is being conducted; and

(B) have an expertise in the management of large construction projects.

(e) *REPORT.*—Not later than February 1, 2000, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include the assessment of the Secretary as to the feasibility and desirability of using PMO services for construction projects of the Department.

SEC. 3176. PILOT PROGRAM OF DEPARTMENT OF ENERGY TO AUTHORIZE USE OF PRIOR YEAR UNOBLIGATED BALANCES FOR ACCELERATED SITE CLEANUP AT ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) *AUTHORITY TO USE AMOUNTS.*—The Secretary of Energy shall carry out a pilot program under which the Secretary may use prior year unobligated balances in the defense environment management account for the closure project of the Department of Energy at the Rocky Flats Environmental Technology Site, Colorado, for purposes of meeting accelerated cleanup schedule milestones with respect to that closure project. The amount of prior year unobligated balances that are obligated under the pilot program in any fiscal year may not exceed \$15,000,000.

(b) *NOTICE OF INTENT TO USE AUTHORITY.*—Not less than 30 days before any obligation of funds under the pilot program under subsection (a), the Secretary shall notify the congressional defense committees of the intent of the Secretary to make such obligation.

(c) *REPORT ON PILOT PROGRAM.*—Not later than July 31, 2002, the Secretary shall submit to the congressional defense committees and the Committee on Commerce of the House of Representatives a report on the implementation of the pilot program carried out under subsection (a). The report shall include the following:

(1) Any use of the authority under that pilot program.

(2) The recommendations of the Secretary as to whether—

(A) the termination date in subsection (d) should be extended; and

(B) the authority under that pilot program should be applied to additional closure projects of the Department.

(d) *TERMINATION.*—The authority to obligate funds under the pilot program shall cease to be in effect at the close of September 30, 2002.

SEC. 3177. PROPOSED SCHEDULE FOR SHIPMENTS OF WASTE FROM ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO, TO WASTE ISOLATION PILOT PLANT, NEW MEXICO.

(a) *SUBMITTAL OF PROPOSED SCHEDULE.*—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services and the Committee on Commerce of the House of Representatives a proposed schedule for ship-

ment of mixed and unmixed transuranic waste from the Rocky Flats Environmental Technology Site, Colorado, to the Waste Isolation Pilot Plant, New Mexico. The proposed schedule shall identify a schedule for certifying, producing, and delivering appropriate shipping containers.

(b) **REQUIREMENTS REGARDING SCHEDULE.**—In preparing the schedule required under subsection (a), the Secretary shall assume the following:

(1) That the Rocky Flats Environmental Technology Site will have a closure date that is in 2006.

(2) That all waste that is transferable from the Rocky Flats Environmental Technology Site to the Waste Isolation Pilot Plant will be removed from the Rocky Flats Environmental Technology Site by that closure date as specified in the current 2006 Rocky Flats Environmental Technology Site Closure Plan.

(3) That, to the maximum extent practicable, shipments of waste from the Rocky Flats Environmental Technology Site to the Waste Isolation Pilot Plant will be carried out on an expedited schedule, but not interfere with other shipments of waste to the Waste Isolation Pilot Plant that are planned as of the date of the enactment of this Act.

SEC. 3178. COMPTROLLER GENERAL REPORT ON CLOSURE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) **REPORT.**—Not later than December 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report assessing the progress in the closure of the Rocky Flats Environmental Technology Site, Colorado.

(b) **REPORT ELEMENTS.**—The report shall address and make recommendations on the following:

(1) How decisions with respect to the future use of the Rocky Flats Environmental Technology Site affect ongoing cleanup at the site.

(2) How failure to make decisions with respect to the future use of the Rocky Flats site affect ongoing cleanup at that site.

(3) Whether the Secretary of Energy could provide additional flexibility to the contractor at the Rocky Flats site in order to accelerate the cleanup of that site.

(4) Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to accelerate the closure of the Rocky Flats site.

(5) The developments, if any, since the April 1999 report of the Comptroller General that could alter the pace of the closure of the Rocky Flats site.

(6) The possibility of closure of the Rocky Flats site by 2006.

(7) The actions that should be taken by the Secretary or Congress to ensure that the Rocky Flats site will be closed by 2006.

(8) The impact of the schedule to transport mixed and unmixed transuranic waste on the ability of the Secretary to close the Rocky Flats site by 2006.

SEC. 3179. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT, NEW MEXICO.

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2073) is amended in the second sentence by striking “nine additional one-year periods” and inserting “fourteen additional one-year periods”.

TITLE XXXII—NATIONAL NUCLEAR SECURITY ADMINISTRATION

Sec. 3201. Short title.

Sec. 3202. Under Secretary for Nuclear Security of Department of Energy.

Sec. 3203. Establishment of policy for National Nuclear Security Administration.

Sec. 3204. Organization of Department of Energy counterintelligence and intelligence programs and activities.

Subtitle A—Establishment and Organization

Sec. 3211. Establishment and mission.

Sec. 3212. Administrator for Nuclear Security.

Sec. 3213. Status of Administration and contractor personnel within Department of Energy.

Sec. 3214. Deputy Administrator for Defense Programs.

Sec. 3215. Deputy Administrator for Defense Nuclear Nonproliferation.

Sec. 3216. Deputy Administrator for Naval Reactors.

Sec. 3217. General Counsel.

Sec. 3218. Staff of Administration.

Subtitle B—Matters Relating to Security

Sec. 3231. Protection of national security information.

Sec. 3232. Office of Defense Nuclear Counterintelligence and Office of Defense Nuclear Security.

Sec. 3233. Counterintelligence programs.

Sec. 3234. Procedures relating to access by individuals to classified areas and information of Administration.

Sec. 3235. Government access to information on Administration computers.

Sec. 3236. Congressional oversight of special access programs.

Subtitle C—Matters Relating to Personnel

Sec. 3241. Authority to establish certain scientific, engineering, and technical positions.

Sec. 3242. Voluntary early retirement authority.

Sec. 3243. Severance pay.

Sec. 3244. Continued coverage of health care benefits.

Subtitle D—Budget and Financial Management

Sec. 3251. Separate treatment in budget.

Sec. 3252. Planning, programming, and budgeting process.

Sec. 3253. Future-years nuclear security program.

Subtitle E—Miscellaneous Provisions

Sec. 3261. Environmental protection, safety, and health requirements.

Sec. 3262. Compliance with Federal Acquisition Regulation.

Sec. 3263. Sharing of technology with Department of Defense.

Sec. 3264. Use of capabilities of national security laboratories by entities outside Administration.

Subtitle F—Definitions

Sec. 3281. Definitions.

Subtitle G—Amendatory Provisions, Transition Provisions, and Effective Dates

Sec. 3291. Functions transferred.

Sec. 3292. Transfer of funds and employees.

Sec. 3293. *Pay levels.*

Sec. 3294. *Conforming amendments.*

Sec. 3295. *Transition provisions.*

Sec. 3296. *Applicability of preexisting laws and regulations.*

Sec. 3297. *Report containing implementation plan of Secretary of Energy.*

Sec. 3298. *Classification in United States Code.*

Sec. 3299. *Effective dates.*

SEC. 3201. SHORT TITLE.

This title may be cited as the "National Nuclear Security Administration Act".

SEC. 3202. UNDER SECRETARY FOR NUCLEAR SECURITY OF DEPARTMENT OF ENERGY.

Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is amended by adding at the end the following new subsection:

"(c)(1) There shall be in the Department an Under Secretary for Nuclear Security, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(2) The Under Secretary for Nuclear Security shall be appointed from among persons who—

"(A) have extensive background in national security, organizational management, and appropriate technical fields; and

"(B) are well qualified to manage the nuclear weapons, nonproliferation, and materials disposition programs of the National Nuclear Security Administration in a manner that advances and protects the national security of the United States.

"(3) The Under Secretary for Nuclear Security shall serve as the Administrator for Nuclear Security under section 3212 of the National Nuclear Security Administration Act. In carrying out the functions of the Administrator, the Under Secretary shall be subject to the authority, direction, and control of the Secretary. Such authority, direction, and control may be delegated only to the Deputy Secretary of Energy, without redelegation."

SEC. 3203. ESTABLISHMENT OF POLICY FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) ESTABLISHMENT OF POLICY FOR ADMINISTRATION.—The Department of Energy Organization Act is amended by adding at the end of title II (42 U.S.C. 7131 et seq.) the following new section:

"ESTABLISHMENT OF POLICY FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION

"SEC. 213. (a) The Secretary shall be responsible for establishing policy for the National Nuclear Security Administration.

"(b) The Secretary may direct officials of the Department who are not within the National Nuclear Security Administration to review the programs and activities of the Administration and to make recommendations to the Secretary regarding administration of those programs and activities, including consistency with other similar programs and activities of the Department.

"(c) The Secretary shall have adequate staff to support the Secretary in carrying out the Secretary's responsibilities under this section."

(b) **CLERICAL AMENDMENT.**—*The table of contents at the beginning of the Department of Energy Organization Act is amended by inserting after the item relating to section 212 the following new item:*

"213. Establishment of policy for National Nuclear Security Administration."

SEC. 3204. ORGANIZATION OF DEPARTMENT OF ENERGY COUNTER-INTELLIGENCE AND INTELLIGENCE PROGRAMS AND ACTIVITIES.

(a) **ESTABLISHMENT OF OFFICES.**—*The Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended by inserting after section 213, as added by section 3203(a), the following new sections:*

"ESTABLISHMENT OF SECURITY, COUNTERINTELLIGENCE, AND INTELLIGENCE POLICIES

"SEC. 214. The Secretary shall be responsible for developing and promulgating the security, counterintelligence, and intelligence policies of the Department. The Secretary may use the immediate staff of the Secretary to assist in developing and promulgating those policies.

"OFFICE OF COUNTERINTELLIGENCE

"SEC. 215. (a) There is within the Department an Office of Counterintelligence.

"(b)(1) The head of the Office shall be the Director of the Office of Counterintelligence, which shall be a position in the Senior Executive Service. The Director of the Office shall report directly to the Secretary.

"(2) The Secretary shall select the Director of the Office from among individuals who have substantial expertise in matters relating to counterintelligence.

"(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, any employee of the Bureau to the Department for service as Director of the Office. The service of an employee of the Bureau as Director of the Office shall not result in any loss of status, right, or privilege by the employee within the Bureau.

"(c)(1) The Director of the Office shall be responsible for establishing policy for counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

"(2) The Director of the Office shall be responsible for establishing policy for the personnel assurance programs of the Department.

"(3) The Director shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the counterintelligence programs and activities at Department facilities.

"(d)(1) Not later than March 1 each year, the Director of the Office shall submit a report on the status and effectiveness of the counterintelligence programs and activities at each Department facility during the preceding year. Each such report shall be submitted to the following:

"(A) The Secretary.

“(B) The Director of Central Intelligence.

“(C) The Director of the Federal Bureau of Investigation.

“(D) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

“(E) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

“(2) Each such report shall include for the year covered by the report the following:

“(A) A description of the status and effectiveness of the counterintelligence programs and activities at Department facilities.

“(B) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including—

“(i) the number of violations that were investigated; and

“(ii) the number of violations that remain unresolved.

“(C) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

“(D) The adequacy of the Department’s procedures and policies for protecting national security information, making such recommendations to Congress as may be appropriate.

“(E) A determination of whether each Department of Energy national laboratory is in full compliance with all departmental security requirements and, in the case of any such laboratory that is not, what measures are being taken to bring that laboratory into compliance.

“(3) Not less than 30 days before the date that the report required by paragraph (1) is submitted, the director of each Department of Energy national laboratory shall certify in writing to the Director of the Office whether that laboratory is in full compliance with all departmental security requirements and, if not, what measures are being taken to bring that laboratory into compliance and a schedule for implementing those measures.

“(4) Each report under this subsection as submitted to the committees referred to in subparagraphs (D) and (E) of paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

“OFFICE OF INTELLIGENCE

“SEC. 216. (a) There is within the Department an Office of Intelligence.

“(b)(1) The head of the Office shall be the Director of the Office of Intelligence, which shall be a position in the Senior Executive Service. The Director of the Office shall report directly to the Secretary.

“(2) The Secretary shall select the Director of the Office from among individuals who have substantial expertise in matters relating to foreign intelligence.

“(c) Subject to the authority, direction, and control of the Secretary, the Director of the Office shall perform such duties and exercise such powers as the Secretary may prescribe.”.

(b) **CLERICAL AMENDMENT.**—*The table of contents at the beginning of the Department of Energy Organization Act is amended by inserting after the item relating to section 213, as added by section 3203(b), the following new items:*

“214. Establishment of security, counterintelligence, and intelligence policies.

“215. Office of Counterintelligence.

“216. Office of Intelligence.”

Subtitle A—Establishment and Organization

SEC. 3211. ESTABLISHMENT AND MISSION.

(a) **ESTABLISHMENT.**—*There is established within the Department of Energy a separately organized agency to be known as the National Nuclear Security Administration (in this title referred to as the “Administration”).*

(b) **MISSION.**—*The mission of the Administration shall be the following:*

(1) To enhance United States national security through the military application of nuclear energy.

(2) To maintain and enhance the safety, reliability, and performance of the United States nuclear weapons stockpile, including the ability to design, produce, and test, in order to meet national security requirements.

(3) To provide the United States Navy with safe, militarily effective nuclear propulsion plants and to ensure the safe and reliable operation of those plants.

(4) To promote international nuclear safety and non-proliferation.

(5) To reduce global danger from weapons of mass destruction.

(6) To support United States leadership in science and technology.

(c) **OPERATIONS AND ACTIVITIES TO BE CARRIED OUT CONSISTENT WITH CERTAIN PRINCIPLES.**—*In carrying out the mission of the Administration, the Administrator shall ensure that all operations and activities of the Administration are consistent with the principles of protecting the environment and safeguarding the safety and health of the public and of the workforce of the Administration.*

SEC. 3212. ADMINISTRATOR FOR NUCLEAR SECURITY.

(a) **IN GENERAL.**—*(1) There is at the head of the Administration an Administrator for Nuclear Security (in this title referred to as the “Administrator”).*

(2) Pursuant to subsection (c) of section 202 of the Department of Energy Organization Act (42 U.S.C. 7132), as added by section 3202 of this Act, the Under Secretary for Nuclear Security of the Department of Energy serves as the Administrator.

(b) **FUNCTIONS.**—*The Administrator has authority over, and is responsible for, all programs and activities of the Administration (except for the functions of the Deputy Administrator for Naval Reactors specified in the Executive order referred to in section 3216(b)), including the following:*

(1) Strategic management.

- (2) *Policy development and guidance.*
- (3) *Budget formulation, guidance, and execution, and other financial matters.*
- (4) *Resource requirements determination and allocation.*
- (5) *Program management and direction.*
- (6) *Safeguards and security.*
- (7) *Emergency management.*
- (8) *Integrated safety management.*
- (9) *Environment, safety, and health operations.*
- (10) *Administration of contracts, including the management and operations of the nuclear weapons production facilities and the national security laboratories.*
- (11) *Intelligence.*
- (12) *Counterintelligence.*
- (13) *Personnel, including the selection, appointment, distribution, supervision, establishing of compensation, and separation of personnel in accordance with subtitle C of this title.*
- (14) *Procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code.*
- (15) *Legal matters.*
- (16) *Legislative affairs.*
- (17) *Public affairs.*
- (18) *Liaison with other elements of the Department of Energy and with other Federal agencies, State, tribal, and local governments, and the public.*

(c) **PROCUREMENT AUTHORITY.**—*The Administrator is the senior procurement executive for the Administration for the purposes of section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).*

(d) **POLICY AUTHORITY.**—*The Administrator may establish Administration-specific policies, unless disapproved by the Secretary of Energy.*

SEC. 3213. STATUS OF ADMINISTRATION AND CONTRACTOR PERSONNEL WITHIN DEPARTMENT OF ENERGY.

(a) **STATUS OF ADMINISTRATION PERSONNEL.**—*Each officer or employee of the Administration, in carrying out any function of the Administration—*

(1) shall be responsible to and subject to the authority, direction, and control of—

(A) the Secretary acting through the Administrator and consistent with section 202(c)(3) of the Department of Energy Organization Act;

(B) the Administrator; or

(C) the Administrator's designee within the Administration; and

(2) shall not be responsible to, or subject to the authority, direction, or control of, any other officer, employee, or agent of the Department of Energy.

(b) **STATUS OF CONTRACTOR PERSONNEL.**—*Each officer or employee of a contractor of the Administration, in carrying out any function of the Administration, shall not be responsible to, or subject to the authority, direction, or control of, any officer, employee, or agent of the Department of Energy who is not an employee of the*

Administration, except for the Secretary of Energy consistent with section 202(c)(3) of the Department of Energy Organization Act.

(c) **CONSTRUCTION OF SECTION.**—Subsections (a) and (b) may not be interpreted to in any way preclude or interfere with the communication of technical findings derived from, and in accord with, duly authorized activities between (1) the head, or any contractor employee, of a national security laboratory or of a nuclear weapons production facility, and (2) the Department of Energy, the President, or Congress.

SEC. 3214. DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS.

(a) **IN GENERAL.**—There is in the Administration a Deputy Administrator for Defense Programs, who is appointed by the President, by and with the advice and consent of the Senate.

(b) **DUTIES.**—Subject to the authority, direction, and control of the Administrator, the Deputy Administrator for Defense Programs shall perform such duties and exercise such powers as the Administrator may prescribe, including the following:

(1) Maintaining and enhancing the safety, reliability, and performance of the United States nuclear weapons stockpile, including the ability to design, produce, and test, in order to meet national security requirements.

(2) Directing, managing, and overseeing the nuclear weapons production facilities and the national security laboratories.

(3) Directing, managing, and overseeing assets to respond to incidents involving nuclear weapons and materials.

(c) **RELATIONSHIP TO LABORATORIES AND FACILITIES.**—The head of each national security laboratory and nuclear weapons production facility shall, consistent with applicable contractual obligations, report to the Deputy Administrator for Defense Programs.

SEC. 3215. DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NON-PROLIFERATION.

(a) **IN GENERAL.**—There is in the Administration a Deputy Administrator for Defense Nuclear Nonproliferation, who is appointed by the President, by and with the advice and consent of the Senate.

(b) **DUTIES.**—Subject to the authority, direction, and control of the Administrator, the Deputy Administrator for Defense Nuclear Nonproliferation shall perform such duties and exercise such powers as the Administrator may prescribe, including the following:

(1) Preventing the spread of materials, technology, and expertise relating to weapons of mass destruction.

(2) Detecting the proliferation of weapons of mass destruction worldwide.

(3) Eliminating inventories of surplus fissile materials usable for nuclear weapons.

(4) Providing for international nuclear safety.

SEC. 3216. DEPUTY ADMINISTRATOR FOR NAVAL REACTORS.

(a) **IN GENERAL.**—(1) There is in the Administration a Deputy Administrator for Naval Reactors. The director of the Naval Nuclear Propulsion Program provided for under the Naval Nuclear Propulsion Executive Order shall serve as the Deputy Administrator for Naval Reactors.

(2) Within the Department of Energy, the Deputy Administrator shall report to the Secretary of Energy through the Administrator

and shall have direct access to the Secretary and other senior officials in the Department.

(b) *DUTIES.*—The Deputy Administrator shall be assigned the responsibilities, authorities, and accountability for all functions of the Office of Naval Reactors under the Naval Nuclear Propulsion Executive Order.

(c) *EFFECT ON EXECUTIVE ORDER.*—Except as otherwise specified in this section and notwithstanding any other provision of this title, the provisions of the Naval Nuclear Propulsion Executive Order remain in full force and effect until changed by law.

(d) *NAVAL NUCLEAR PROPULSION EXECUTIVE ORDER.*—As used in this section, the Naval Nuclear Propulsion Executive Order is Executive Order Number 12344, dated February 1, 1982 (42 U.S.C. 7158 note) (as in force pursuant to section 1634 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 42 U.S.C. 7158 note)).

SEC. 3217. GENERAL COUNSEL.

There is a General Counsel of the Administration. The General Counsel is the chief legal officer of the Administration.

SEC. 3218. STAFF OF ADMINISTRATION.

(a) *IN GENERAL.*—The Administrator shall maintain within the Administration sufficient staff to assist the Administrator in carrying out the duties and responsibilities of the Administrator.

(b) *RESPONSIBILITIES.*—The staff of the Administration shall perform, in accordance with applicable law, such of the functions of the Administrator as the Administrator shall prescribe. The Administrator shall assign to the staff responsibility for the following functions:

(1) Personnel.

(2) Legislative affairs.

(3) Public affairs.

(4) Liaison with other elements of the Department of Energy and with other Federal agencies, State, tribal, and local governments, and the public.

Subtitle B—Matters Relating to Security

SEC. 3231. PROTECTION OF NATIONAL SECURITY INFORMATION.

(a) *POLICIES AND PROCEDURES REQUIRED.*—The Administrator shall establish procedures to ensure the maximum protection of classified information in the possession of the Administration.

(b) *PROMPT REPORTING.*—The Administrator shall establish procedures to ensure prompt reporting to the Administrator of any significant problem, abuse, violation of law or Executive order, or deficiency relating to the management of classified information by personnel of the Administration.

SEC. 3232. OFFICE OF DEFENSE NUCLEAR COUNTERINTELLIGENCE AND OFFICE OF DEFENSE NUCLEAR SECURITY.

(a) *ESTABLISHMENT.*—(1) There are within the Administration—

(A) an Office of Defense Nuclear Counterintelligence; and

(B) an Office of Defense Nuclear Security.

(2) Each office established under paragraph (1) shall be headed by a Chief appointed by the Secretary of Energy. The Administrator shall recommend to the Secretary suitable candidates for each such position.

(b) **CHIEF OF DEFENSE NUCLEAR COUNTERINTELLIGENCE.**—(1) The head of the Office of Defense Nuclear Counterintelligence is the Chief of Defense Nuclear Counterintelligence, who shall report to the Administrator and shall implement the counterintelligence policies directed by the Secretary and Administrator.

(2) The Secretary shall appoint the Chief, in consultation with the Director of the Federal Bureau of Investigation, from among individuals who have special expertise in counterintelligence. If an individual to serve as the Chief of Defense Nuclear Counterintelligence is a Federal employee of an entity other than the Administration, the service of that employee as Chief shall not result in any loss of employment status, right, or privilege by that employee.

(3) The Chief shall have direct access to the Secretary and all other officials of the Department and the contractors of the Department concerning counterintelligence matters.

(4) The Chief shall be responsible for—

(A) the development and implementation of the counterintelligence programs of the Administration to prevent the disclosure or loss of classified or other sensitive information; and

(B) the development and administration of personnel assurance programs within the Administration.

(c) **CHIEF OF DEFENSE NUCLEAR SECURITY.**—(1) The head of the Office of Defense Nuclear Security is the Chief of Defense Nuclear Security, who shall report to the Administrator and shall implement the security policies directed by the Secretary and Administrator.

(2) The Chief shall have direct access to the Secretary and all other officials of the Department and the contractors of the Department concerning security matters.

(3) The Chief shall be responsible for the development and implementation of security programs for the Administration, including the protection, control and accounting of materials, and for the physical and cyber security for all facilities of the Administration.

SEC. 3233. COUNTERINTELLIGENCE PROGRAMS.

(a) **NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES.**—The Administrator shall, at each national security laboratory and nuclear weapons production facility, establish and maintain a counterintelligence program adequate to protect national security information at that laboratory or production facility.

(b) **OTHER FACILITIES.**—The Administrator shall, at each Administration facility not described in subsection (a) at which Restricted Data is located, assign an employee of the Office of Defense Nuclear Counterintelligence who shall be responsible for and assess counterintelligence matters at that facility.

SEC. 3234. PROCEDURES RELATING TO ACCESS BY INDIVIDUALS TO CLASSIFIED AREAS AND INFORMATION OF ADMINISTRATION.

The Administrator shall establish appropriate procedures to ensure that any individual is not permitted unescorted access to any

classified area, or access to classified information, of the Administration until that individual has been verified to hold the appropriate security clearances.

SEC. 3235. GOVERNMENT ACCESS TO INFORMATION ON ADMINISTRATION COMPUTERS.

(a) **PROCEDURES REQUIRED.**—The Administrator shall establish procedures to govern access to information on Administration computers. Those procedures shall, at a minimum, provide that any individual who has access to information on an Administration computer shall be required as a condition of such access to provide to the Administrator written consent which permits access by an authorized investigative agency to any Administration computer used in the performance of the duties of such employee during the period of that individual's access to information on an Administration computer and for a period of three years thereafter.

(b) **EXPECTATION OF PRIVACY IN ADMINISTRATION COMPUTERS.**—Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986), no user of an Administration computer shall have any expectation of privacy in the use of that computer.

(c) **DEFINITION.**—For purposes of this section, the term "authorized investigative agency" means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

SEC. 3236. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS.

(a) **ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.**—(1) Not later than February 1 of each year, the Administrator shall submit to the congressional defense committees a report on special access programs of the Administration.

(2) Each such report shall set forth—

(A) the total amount requested for such programs in the President's budget for the next fiscal year submitted under section 1105 of title 31, United States Code; and

(B) for each such program in that budget, the following:

(i) A brief description of the program.

(ii) A brief discussion of the major milestones established for the program.

(iii) The actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted.

(iv) The estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(b) **ANNUAL REPORT ON NEW SPECIAL ACCESS PROGRAMS.**—(1) Not later than February 1 of each year, the Administrator shall submit to the congressional defense committees a report that, with respect to each new special access program, provides—

(A) notice of the designation of the program as a special access program; and

(B) justification for such designation.

(2) A report under paragraph (1) with respect to a program shall include—

(A) the current estimate of the total program cost for the program; and

(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

(3) In this subsection, the term “new special access program” means a special access program that has not previously been covered in a notice and justification under this subsection.

(c) **REPORTS ON CHANGES IN CLASSIFICATION OF SPECIAL ACCESS PROGRAMS.**—(1) Whenever a change in the classification of a special access program of the Administration is planned to be made or whenever classified information concerning a special access program of the Administration is to be declassified and made public, the Administrator shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

(2) Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.

(3) If the Administrator determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Administration, the Administrator may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) **NOTICE OF CHANGE IN SAP DESIGNATION CRITERIA.**—Whenever there is a modification or termination of the policy and criteria used for designating a program of the Administration as a special access program, the Administrator shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) **WAIVER AUTHORITY.**—(1) The Administrator may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Administrator determines that inclusion of that information in the report would adversely affect the national security. The Administrator may waive the report-and-wait requirement in subsection (f) if the Administrator determines that compliance with such requirement would adversely affect the national security. Any waiver under this paragraph shall be made on a case-by-case basis.

(2) If the Administrator exercises the authority provided under paragraph (1), the Administrator shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chair-

man and ranking minority member of each of the congressional defense committees.

(f) **REPORT AND WAIT FOR INITIATING NEW PROGRAMS.**—A special access program may not be initiated until—

(1) the congressional defense committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

Subtitle C—Matters Relating to Personnel

SEC. 3241. AUTHORITY TO ESTABLISH CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS.

The Administrator may, for the purposes of carrying out the responsibilities of the Administrator under this title, establish not more than 300 scientific, engineering, and technical positions in the Administration, appoint individuals to such positions, and fix the compensation of such individuals. Subject to the limitations in the preceding sentence, the authority of the Administrator to make appointments and fix compensation with respect to positions in the Administration under this section shall be equivalent to, and subject to the limitations of, the authority under section 161 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(d)) to make appointments and fix compensation with respect to officers and employees described in such section.

SEC. 3242. VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) **AUTHORITY.**—An employee of the Department of Energy who is separated from the service under conditions described in subsection (b) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity in accordance with the provisions in chapter 83 or 84 of title 5, United States Code, as applicable.

(b) **CONDITIONS OF SEPARATION.**—Subsection (a) applies to an employee who—

(1) has been employed continuously by the Department of Energy for more than 30 days before the date on which the Secretary of Energy makes the determination required under paragraph (4)(A);

(2) is serving under an appointment that is not limited by time;

(3) has not received a decision notice of involuntary separation for misconduct or unacceptable performance that is pending decision; and

(4) is separated from the service voluntarily during a period with respect to which—

(A) the Secretary of Energy determines that the Department of Energy is undergoing a major reorganization as a result of the establishment of the National Nuclear Security Administration; and

(B) the employee is within the scope of an offer of voluntary early retirement (as defined by organizational unit, occupational series or level, geographical location, any other similar factor that the Office of Personnel Manage-

ment determines appropriate, or any combination of such definitions of scope), as determined by the Secretary under regulations prescribed by the Office.

(c) **TREATMENT OF EMPLOYEES.**—For purposes of chapters 83 and 84 of title 5, United States Code (including for purposes of computation of an annuity under such chapters), an employee entitled to an annuity under this section shall be treated as an employee entitled to an annuity under section 8336(d) or 8414(b) of such title, as applicable.

(d) **DEFINITIONS.**—As used in this section, the terms “employee” and “annuity”—

(1) with respect to individuals covered by the Civil Service Retirement System established in subchapter III of chapter 83 of title 5, United States Code, have the meaning of such terms as used in such chapter; and

(2) with respect to individuals covered by the Federal Employees Retirement System established in chapter 84 of such title, have the meaning of such terms as used in such chapter.

(e) **LIMITATION AND TERMINATION OF AUTHORITY.**—The authority provided in subsection (a)—

(1) may be applied with respect to a total of not more than 600 employees of the Department of Energy; and

(2) shall expire on September 30, 2003.

SEC. 3243. SEVERANCE PAY.

Section 5595 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(j)(1) In the case of an employee of the Department of Energy who is entitled to severance pay under this section as a result of the establishment of the National Nuclear Security Administration, the Secretary of Energy may, upon application by the employee, pay the total amount of the severance pay to the employee in one lump sum.

“(2)(A) If an employee paid severance pay in a lump sum under this subsection is reemployed by the Government of the United States or the government of the District of Columbia at such time that, had the employee been paid severance pay in regular pay periods under subsection (b), the payments of such pay would have been discontinued under subsection (d) upon such reemployment, the employee shall repay to the Department of Energy an amount equal to the amount of severance pay to which the employee was entitled under this section that would not have been paid to the employee under subsection (d) by reason of such reemployment.

“(B) The period of service represented by an amount of severance pay repaid by an employee under subparagraph (A) shall be considered service for which severance pay has not been received by the employee under this section.

“(C) Amounts repaid to the Department of Energy under this paragraph shall be credited to the appropriation available for the pay of employees of the agency for the fiscal year in which received. Amounts so credited shall be merged with, and shall be available for the same purposes and the same period as, the other funds in that appropriation.

“(3) If an employee fails to repay to the Department of Energy an amount required to be repaid under paragraph (2)(A), that

amount is recoverable from the employee as a debt due the United States.”.

SEC. 3244. CONTINUED COVERAGE OF HEALTH CARE BENEFITS.

Section 8905a(d)(4)(A) of title 5, United States Code, is amended by inserting “, or the Department of Energy due to a reduction in force resulting from the establishment of the National Nuclear Security Administration” after “reduction in force”.

Subtitle D—Budget and Financial Management

SEC. 3251. SEPARATE TREATMENT IN BUDGET.

(a) **PRESIDENT’S BUDGET.**—In each budget submitted by the President to the Congress under section 1105 of title 31, United States Code, amounts requested for the Administration shall be set forth separately within the other amounts requested for the Department of Energy.

(b) **BUDGET JUSTIFICATION MATERIALS.**—In the budget justification materials submitted to Congress in support of each such budget, the amounts requested for the Administration shall be specified in individual, dedicated program elements.

SEC. 3252. PLANNING, PROGRAMMING, AND BUDGETING PROCESS.

The Administrator shall establish procedures to ensure that the planning, programming, budgeting, and financial activities of the Administration comport with sound financial and fiscal management principles. Those procedures shall, at a minimum, provide for the planning, programming, and budgeting of activities of the Administration using funds that are available for obligation for a limited number of years.

SEC. 3253. FUTURE-YEARS NUCLEAR SECURITY PROGRAM.

(a) **SUBMISSION TO CONGRESS.**—The Administrator shall submit to Congress each year, at or about the time that the President’s budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years nuclear security program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years nuclear security program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

(b) **ELEMENTS.**—Each future-years nuclear security program shall contain the following:

(1) The estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration during the five-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(2) A description of the anticipated workload requirements for each Administration site during that five-fiscal year period.

(c) **EFFECT OF BUDGET ON STOCKPILE.**—The Administrator shall include in the materials the Administrator submits to Congress in support of the budget for any fiscal year that is submitted

by the President pursuant to section 1105 of title 31, United States Code, a description of how the funds identified for each program element in the weapons activities budget of the Administration for such fiscal year will help ensure that the nuclear weapons stockpile is safe and reliable as determined in accordance with the criteria established under 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2257; 42 U.S.C. 2121 note).

(d) **CONSISTENCY IN BUDGETING.**—(1) The Administrator shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Administrator in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the future-years nuclear security program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

(e) **TREATMENT OF MANAGEMENT CONTINGENCIES.**—Nothing in this section shall be construed to prohibit the inclusion in the future-years nuclear security program of amounts for management contingencies, subject to the requirements of subsection (d).

Subtitle E—Miscellaneous Provisions

SEC. 3261. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.

(a) **COMPLIANCE REQUIRED.**—The Administrator shall ensure that the Administration complies with all applicable environmental, safety, and health statutes and substantive requirements.

(b) **PROCEDURES REQUIRED.**—The Administrator shall develop procedures for meeting such requirements.

(c) **RULE OF CONSTRUCTION.**—Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs.

SEC. 3262. COMPLIANCE WITH FEDERAL ACQUISITION REGULATION.

The Administrator shall establish procedures to ensure that the mission and programs of the Administration are executed in full compliance with all applicable provisions of the Federal Acquisition Regulation issued pursuant to the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

SEC. 3263. SHARING OF TECHNOLOGY WITH DEPARTMENT OF DEFENSE.

The Administrator shall, in cooperation with the Secretary of Defense, establish procedures and programs to provide for the sharing of technology, technical capability, and expertise between the

Administration and the Department of Defense to further national security objectives.

SEC. 3264. USE OF CAPABILITIES OF NATIONAL SECURITY LABORATORIES BY ENTITIES OUTSIDE ADMINISTRATION.

The Secretary, in consultation with the Administrator, shall establish appropriate procedures to provide for the use, in a manner consistent with the national security mission of the Administration under section 3211(b), of the capabilities of the national security laboratories by elements of the Department of Energy not within the Administration, other Federal agencies, and other appropriate entities, including the use of those capabilities to support efforts to defend against weapons of mass destruction.

Subtitle F—Definitions

SEC. 3281. DEFINITIONS.

For purposes of this title:

(1) *The term “national security laboratory” means any of the following:*

(A) *Los Alamos National Laboratory, Los Alamos, New Mexico.*

(B) *Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.*

(C) *Lawrence Livermore National Laboratory, Livermore, California.*

(2) *The term “nuclear weapons production facility” means any of the following:*

(A) *The Kansas City Plant, Kansas City, Missouri.*

(B) *The Pantex Plant, Amarillo, Texas.*

(C) *The Y-12 Plant, Oak Ridge, Tennessee.*

(D) *The tritium operations facilities at the Savannah River Site, Aiken, South Carolina.*

(E) *The Nevada Test Site, Nevada.*

(F) *Any facility of the Department of Energy that the Secretary of Energy, in consultation with the Administrator and the Congress, determines to be consistent with the mission of the Administration.*

(3) *The term “classified information” means any information that has been determined pursuant to Executive Order No. 12333 of December 4, 1981 (50 U.S.C. 401 note), Executive Order No. 12958 of April 17, 1995 (50 U.S.C. 435 note), or successor orders, to require protection against unauthorized disclosure and that is so designated.*

(4) *The term “Restricted Data” has the meaning given such term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).*

(5) *The term “congressional defense committees” means—*

(A) *the Committee on Armed Services and the Committee on Appropriations of the Senate; and*

(B) *the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.*

Subtitle G—Amendatory Provisions, Transition Provisions, and Effective Dates

SEC. 3291. FUNCTIONS TRANSFERRED.

(a) *TRANSFERS.*—*There are hereby transferred to the Administrator all national security functions and activities performed immediately before the date of the enactment of this Act by the following elements of the Department of Energy:*

- (1) *The Office of Defense Programs.*
- (2) *The Office of Nonproliferation and National Security.*
- (3) *The Office of Fissile Materials Disposition.*
- (4) *The nuclear weapons production facilities.*
- (5) *The national security laboratories.*
- (6) *The Office of Naval Reactors.*

(b) *AUTHORITY TO TRANSFER ADDITIONAL FUNCTIONS.*—*The Secretary of Energy may transfer to the Administrator any other facility, mission, or function that the Secretary, in consultation with the Administrator and Congress, determines to be consistent with the mission of the Administration.*

(c) *ENVIRONMENTAL REMEDIATION AND WASTE MANAGEMENT ACTIVITIES.*—*In the case of any environmental remediation and waste management activity of any element specified in subsection (a), the Secretary of Energy may determine to transfer responsibility for that activity to another element of the Department.*

SEC. 3292. TRANSFER OF FUNDS AND EMPLOYEES.

(a) *TRANSFER OF FUNDS.*—(1) *Any balance of appropriations that the Secretary of Energy determines is available and needed to finance or discharge a function, power, or duty or an activity that is transferred to the Administration shall be transferred to the Administration and used for any purpose for which those appropriations were originally available. Balances of appropriations so transferred shall—*

(A) *be credited to any applicable appropriation account of the Administration; or*

(B) *be credited to a new account that may be established on the books of the Department of the Treasury; and shall be merged with the funds already credited to that account and accounted for as one fund.*

(2) *Balances of appropriations credited to an account under paragraph (1)(A) are subject only to such limitations as are specifically applicable to that account. Balances of appropriations credited to an account under paragraph (1)(B) are subject only to such limitations as are applicable to the appropriations from which they are transferred.*

(b) *PERSONNEL.*—(1) *With respect to any function, power, or duty or activity of the Department of Energy that is transferred to the Administration, those employees of the element of the Department of Energy from which the transfer is made that the Secretary of Energy determines are needed to perform that function, power, or duty, or for that activity, as the case may be, shall be transferred to the Administration.*

(2) *The authorized strength in civilian employees of any element of the Department of Energy from which employees are transferred*

under this section is reduced by the number of employees so transferred.

SEC. 3293. PAY LEVELS.

(a) *UNDER SECRETARY FOR NUCLEAR SECURITY.*—Section 5314 of title 5, United States Code, is amended by striking “Under Secretary, Department of Energy” and inserting “Under Secretaries of Energy (2)”.

(b) *DEPUTY ADMINISTRATORS.*—Section 5315 of such title is amended by adding at the end the following new item:

“Deputy Administrators of the National Nuclear Security Administration (3), but if the Deputy Administrator for Naval Reactors is an officer of the Navy on active duty, (2).”.

SEC. 3294. CONFORMING AMENDMENTS.

(a) *REDUCTION IN NUMBER OF ASSISTANT SECRETARIES OF ENERGY.*—(1) Section 5315 of title 5, United States Code, is amended by striking “(8)” after “Assistant Secretaries of Energy” and inserting “(6)”.

(2) Subsection (a) of section 203 of the Department of Energy Organization Act (42 U.S.C. 7133) is amended in the first sentence by striking “eight” and inserting “six”.

(b) *FUNCTIONS REQUIRED TO BE ASSIGNED TO ASSISTANT SECRETARIES OF ENERGY.*—Subsection (a) of section 203 of the Department of Energy Organization Act (42 U.S.C. 7133) is amended by striking paragraph (5).

(c) *OFFICE OF NAVAL REACTORS.*—Section 309 of the Department of Energy Organization Act (42 U.S.C. 7158) is amended—

(1) by striking subsection (b);

(2) by striking “(a)”; and

(3) by striking “Assistant Secretary to whom the Secretary has assigned the function listed in section 203(a)(2)(E)” and inserting “Under Secretary for Nuclear Security”.

(d) *OFFICE OF FISSILE MATERIALS DISPOSITION.*—(1) Section 212 of the Department of Energy Organization Act (42 U.S.C. 7143) is repealed.

(2) The table of contents at the beginning of such Act is amended by striking the item relating to section 212.

(e) *REPEAL OF RESTATED PROVISION RELATING TO DOE SPECIAL ACCESS PROGRAMS; CONFORMING AMENDMENT.*—(1)(A) Section 93 of the Atomic Energy Act of 1954 (42 U.S.C. 2122a) is repealed.

(B) The table of contents at the beginning of such Act is amended by striking the item relating to section 93.

(2) Clause (ii) of section 1152(g)(1)(B) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 50 U.S.C. 435 note) is amended to read as follows:

“(ii) the National Nuclear Security Administration (which is required to submit reports on special access programs under section 3237 of the National Nuclear Security Administration Act); or”.

(f) *REPEAL OF FIVE-YEAR BUDGET REQUIREMENT FOR DOE NATIONAL SECURITY PROGRAMS.*—Section 3155 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2841; 42 U.S.C. 7271b) is repealed.

SEC. 3295. TRANSITION PROVISIONS.

(a) *COMPLIANCE WITH FINANCIAL PRINCIPLES.*—(1) *The Under Secretary of Energy for Nuclear Security shall ensure that the compliance with sound financial and fiscal management principles specified in section 3252 is achieved not later than October 1, 2000.*

(2) *In carrying out paragraph (1), the Under Secretary of Energy for Nuclear Security shall conduct a review and develop a plan to bring applicable activities of the Administration into full compliance with those principles not later than such date.*

(3) *Not later than January 1, 2000, the Under Secretary of Energy for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of that review and a description of that plan.*

(b) *INITIAL REPORT FOR FUTURE-YEARS NUCLEAR SECURITY PROGRAM.*—*The first report under section 3253 shall be submitted in conjunction with the budget submitted for fiscal year 2001.*

(c) *PROCEDURES FOR COMPUTER ACCESS.*—*The regulations to implement the procedures under section 3235 shall be prescribed not later than 90 days after the effective date of this title.*

(d) *COMPLIANCE WITH FAR.*—(1) *The Under Secretary of Energy for Nuclear Security shall ensure that the compliance with the Federal Acquisition Regulation specified in section 3262 is achieved not later than October 1, 2000.*

(2) *In carrying out paragraph (1), the Under Secretary of Energy for Nuclear Security shall conduct a review and develop a plan to bring applicable activities of the Administration into full compliance with the Federal Acquisition Regulation not later than such date.*

(3) *Not later than January 1, 2000, the Under Secretary of Energy for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of that review and a description of that plan.*

SEC. 3296. APPLICABILITY OF PREEXISTING LAWS AND REGULATIONS.

Unless otherwise provided in this title, all provisions of law and regulations in effect immediately before the effective date of this title that are applicable to functions of the Department of Energy specified in section 3291 shall continue to apply to the corresponding functions of the Administration.

SEC. 3297. REPORT CONTAINING IMPLEMENTATION PLAN OF SECRETARY OF ENERGY.

Not later than January 1, 2000, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the Secretary's plan for the implementation of the provisions of this title.

SEC. 3298. CLASSIFICATION IN UNITED STATES CODE.

Subtitles A through F of this title (other than provisions of those subtitles amending existing provisions of law) shall be classified to the United States Code as a new chapter of title 50, United States Code.

SEC. 3299. EFFECTIVE DATES.

(a) *IN GENERAL.*—*Except as provided in subsection (b), the provisions of this title shall take effect on March 1, 2000.*

(b) *EXCEPTIONS.*—(1) Sections 3202, 3204, 3251, 3295, and 3297 shall take effect on the date of the enactment of this Act.

(2) Sections 3234 and 3235 shall take effect on the date of the enactment of this Act. During the period beginning on the date of the enactment of this Act and ending on the effective date of this title, the Secretary of Energy shall carry out those sections and any reference in those sections to the Administrator and the Administration shall be treated as references to the Secretary and the Department of Energy, respectively.

TITLE XXXIII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3301. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2000, \$17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NATIONAL DEFENSE STOCKPILE

Sec. 3401. *Authorized uses of stockpile funds.*

Sec. 3402. *Disposal of certain materials in National Defense Stockpile.*

Sec. 3403. *Limitations on previous authority for disposal of stockpile materials.*

SEC. 3401. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) *OBLIGATION OF STOCKPILE FUNDS.*—During fiscal year 2000, the National Defense Stockpile Manager may obligate up to \$78,700,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) *ADDITIONAL OBLIGATIONS.*—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) *LIMITATIONS.*—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3402. DISPOSAL OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) *DISPOSAL REQUIRED.*—Subject to subsection (c), the President shall make disposals from the National Defense Stockpile of materials in quantities as follows:

(1) Beryllium metal, 250 short tons.

(2) Chromium ferro alloy, 496,204 short tons.

From the Committee on Armed Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

FLOYD SPENCE,
 BOB STUMP,
 DUNCAN HUNTER,
 HERBERT H. BATEMAN,
 JAMES V. HANSEN,
 CURT WELDON,
 JOEL HEFLEY,
 JIM SAXTON,
 STEVE BUYER,
 TILLIE K. FOWLER,
 JOHN M. MCHUGH,
 JAMES TALENT,
 TERRY EVERETT,
 ROSCOE G. BARTLETT,
 HOWARD "BUCK" McKEON,
 J.C. WATTS, Jr.,
 MAC THORNBERRY,
 JOHN HOSTETTLER,
 SAXBY CHAMBLISS,
 VAN HILLEARY,
 IKE SKELTON
 (except sec. 32),
 NORMAN SISISKY,
 JOHN M. SPRATT, Jr.
 (except for 27 and 32)
 SOLOMON P. ORTIZ,
 OWEN PICKETT,
 LANE EVANS,
 GENE TAYLOR,
 NEIL ABERCROMBIE,
 MARTY MEEHAN,
 ROBERT A. UNDERWOOD,
 SILVESTRE REYES,
 JIM TURNER,
 LORETTA SANCHEZ,
 ELLEN O. TAUSCHER
 (except sec. 32),
 ROBERT E. ANDREWS,
 JOHN B. LARSON,
 PORTER J. GOSS,
 JERRY LEWIS,

From the Committee on Banking and Financial Services, for consideration of section 1059 of the Senate bill and section 1409 of the House bill, and modifications committed to conference:

BILL MCCOLLUM,
 SPENCER BACHUS,
 JOHN J. LaFALCE,

From the Committee on Education and the Workforce, for consideration of sections 579 and 698 of the Senate bill, and sections 341, 343, 549, 567, and 673 of the House amendment, and modifications committed to conference:

BILL GOODLING,
NATHAN DEAL,
PATSY T. MINK,

From the Committee on Government Reform, for consideration of sections 538, 652, 654, 805–810, 1004, 1052–54, 1080, 1101–07, 2831, 2862, 3160, 3161, 3163, and 3173 of the Senate bill, and sections 522, 524, 525, 661–64, 672, 802, 1101–05, 2802, and 3162 of the House amendment, and modifications committed to conference:

DAN BURTON,
JOE SCARBOROUGH,

Provided that Mr. Horn is appointed in lieu of Mr. Scarborough for consideration of sections 538, 805–810, 1052–54, 1080, 2831, 2862, 3160, and 3161 of the Senate bill and sections 802 and 2802 of the House amendment, and modifications committed to conference:

STEPHEN HORN,

From the Committee on House Administration, for consideration of section 1303 of the Senate bill and modifications committed to conference:

WM. THOMAS,
JOHN BOEHNER,
STENY H. HOYER,

From the Committee on International Relations, for consideration of sections 1013, 1043, 1044, 1046, 1066, 1071, 1072, and 1083 of the Senate bill, and sections 1202, 1206, 1301–07, 1404, 1407, 1408, 1411, and 1413 of the House amendment, and modifications committed to conference:

BENJAMIN A. GILMAN,
DOUG BEREUTER,

From the Committee on the Judiciary, for consideration of sections 3156 and 3163 of the Senate bill, and sections 3166 and 3194 of the House amendment, and modifications committed to conference:

HENRY HYDE,
BILL MCCOLLUM,

From the Committee on Resources, for consideration of sections 601, 602, 695, 2833, and 2861 of the Senate bill, and sections 365, 601, 602, 653, 654, and 2863 of the House amendment, and modifications committed to conference:

DON YOUNG,
BILLY TAUZIN,

From the Committee on Transportation and Infrastructure, for consideration of sections 601, 602, 1060, 1079, and 1080 of the Senate bill, and sections 361, 601, 602, and 3404 of the House amendment, and modifications committed to conference:

BUD SHUSTER,
WAYNE T. GILCHREST,
PETER DEFazio,

From the Committee on Veterans' Affairs, for consideration of sections 671–75, 681, 682, 696, 697, 1062, and 1066 of the Senate bill, and modifications committed to conference:

MICHAEL BILIRAKIS,
JACK QUINN,

Managers on the Part of the House.

JOHN WARNER,
STROM THURMOND,
JOHN MCCAIN,
BOB SMITH,
JAMES M. INHOFE,
RICK SANTORUM,
OLYMPIA SNOWE,
PAT ROBERTS,
WAYNE ALLARD,
TIM HUTCHINSON,
JEFF SESSIONS,
ROBERT C. BYRD,
CHUCK ROBB,
MARY L. LANDRIEU,
MAX CLELAND,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1059) authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the armed forces, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees recommend authorizations for the Department of Defense for procurement, research and development, test and evaluation, operation and maintenance, working capital funds, military construction and family housing, weapons programs of the Department of Energy, and the civil defense that have budget authority implications of \$288.8 billion.

SUMMARY TABLE OF AUTHORIZATIONS

The defense authorization act provides authorizations for appropriations but does not generally provide budget authority. Budget authority is provided in appropriations acts.

In order to relate the conference recommendations to the Budget Resolution, matter in addition to the dollar authorizations contained in this bill must be taken into account. A number of programs in the defense function are authorized permanently or, in certain instances, authorized in other annual legislation. In addition, this authorization bill would establish personnel levels and include a number of legislative provisions affecting military compensation.

The following table summarizes authorizations included in the bill for fiscal year 2000 and, in addition, summarizes the implications of the conference action for the budget totals for national defense (budget function 050).

**Summary of
National Defense Authorization for FY 2000**
(In Thousands of \$'s)

	Authorization Request	House Authorized	Senate Authorized	Conference		-----BA-----			
				Change	Agreement	Request	House	Senate	Conference
Family Housing Support, Air Force	821,892	821,892	821,892	(3,500)	818,392	821,892	821,892	821,892	818,392
Family Housing Construction, Defense-wide	50	50	50	0	50	50	50	50	50
Family Housing Support, Defense-wide	41,440	41,440	41,440	0	41,440	41,440	41,440	41,440	41,440
Homeowners Assistance Fund	0	0	0	0	0	0	24,538	0	24,538
DoD Family Housing Improvement Fund	78,756	78,756	78,756	(76,756)	2,000	78,756	78,756	78,756	2,000
Total Family Housing	3,115,687	3,602,231	3,628,844	487,404	3,603,091	3,115,687	3,626,769	3,628,844	3,627,629
DIVISION C									
TITLE XXXI-XXXII									
ATOMIC ENERGY DEFENSE ACTIVITIES (053)									
Weapons Activities	4,531,000	4,536,800	4,530,000	(41,005)	4,489,995	4,531,000	4,536,800	4,530,000	4,489,995
Defense Environmental Restoration and Waste Management	4,514,376	5,650,468	5,532,868	981,492	5,495,868	4,514,376	5,650,468	5,532,868	5,495,868
Defense Nuclear Waste Disposal	73,000	73,000	73,000	0	73,000	73,000	73,000	73,000	73,000
Other Defense Activities	1,792,000	1,779,059	1,821,000	13,959	1,805,959	1,792,000	1,779,059	1,821,000	1,805,959
Defense Facilities Closure Projects	1,054,492	0	0	(1,054,492)	0	1,054,492	0	0	0
Defense Environmental Management Privatization	228,000	228,000	216,000	0	228,000	228,000	228,000	216,000	228,000
Formerly Utilized Site Remediation	150,000	0	0	(150,000)	0	150,000	0	0	0
Defense Nuclear Facilities Safety Board	17,500	17,500	17,500	0	17,500	17,500	17,500	17,500	17,500
Total Atomic Energy Defense Activities (053)	12,360,368	12,284,827	12,190,368	(250,046)	12,110,322	12,360,368	12,284,827	12,190,368	12,110,322
Recapitulation									
Department of Defense (Division A)	264,798,944	269,964,738	268,284,119	4,217,757	268,926,701	264,799,474	270,054,018	268,374,649	269,017,231
Department of Defense (Division B)	5,438,443	8,590,243	8,801,158	3,058,800	8,497,243	5,438,443	8,590,243	8,801,158	8,497,243
Net Other Funds	5,000	0	0	(5,000)	0	240,000	235,000	235,000	235,000
Rescissions				1,316,800	1,316,800	(1,650,000)	(1,650,000)	0	(333,200)
Transfer Authority sec 1001 [Memo Entry]	2,000,000	2,000,000	2,000,000	0	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Offsetting Receipts				0	0	(1,888,000)	(1,888,000)	(1,888,000)	(1,888,000)
Total Department of Defense Military (051)	270,152,387	278,554,981	277,085,277	8,588,357	278,740,744	266,939,917	275,341,261	275,522,807	275,528,274
Total Atomic Energy Defense Activities (053)	12,360,368	12,284,827	12,190,368	(250,046)	12,110,322	12,360,368	12,284,827	12,190,368	12,110,322
Total Defense Related Activities (054)	49,623	0	0	(49,623)	0	1,222,279	1,172,656	1,172,656	1,172,656
TOTAL NATIONAL DEFENSE FUNCTION (050)	282,562,378	290,839,808	289,275,645	8,288,688	290,851,066	280,522,564	288,798,744	288,885,831	288,811,252

Immunity of United States (sec. 3037)

This provision would hold the United States harmless and not subject to liability for any injuries or damages to persons or property suffered in the course of any mining, mineral, or geothermal leasing activity conducted on the lands covered by section 3031 of this subtitle.

Subtitle C—Authorization of Appropriations

Authorization of appropriations (sec. 3041)

This provision would authorize to be appropriated such sums as may be necessary to carry out the purposes of this title.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Overview

Title XXXI authorizes appropriations for the atomic energy defense activities of the Department of Energy for fiscal year 2000, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons; naval nuclear propulsion; environmental restoration and waste management; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95–91). The title would authorize appropriations in five categories: weapons activities; defense environmental restoration and waste management; other defense activities; defense environmental management privatization; and defense nuclear waste disposal.

The budget request for the atomic energy defense activities totaled \$12.4 billion, a 2.8 percent increase over the adjusted fiscal year 1999 level. Of the total amount requested, \$4.5 billion was for weapons activities, \$4.5 billion was for defense environmental restoration and waste management activities, \$1.0 billion was for defense facility closure projects, \$228.0 million was for defense environmental management privatization, \$1.8 billion was for other defense activities, \$112.0 million was for defense nuclear waste disposal, and \$150.0 million was for the formerly utilized sites remedial action program.

The conferees recommend \$12.1 billion for atomic energy defense activities, a decrease of \$250.0 million to the budget request. The conferees recommend the following: \$4.5 billion for weapons activities, a decrease of \$41.0 million; \$5.5 billion for defense environmental restoration and waste management (including defense facility closure projects), a decrease of \$73.0 million; \$228.0 million for defense environmental management privatization, the amount of the budget request; \$1.8 billion for other defense activities, an increase of \$13.9 million; and \$112.0 million for defense nuclear waste disposal, the amount of the request. The conferees rec-

ommend no funding for the formerly utilized sites remedial action program, representing a decrease of \$150.0 million.

The following table summarizes the budget request and the committee recommendations:

Summary of National Defense Authorization for FY 2000

(In Thousands of \$'s)

	Authorization Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
TITLE XXXI-XXXII					
<u>ATOMIC ENERGY DEFENSE ACTIVITIES (053)</u>					
Weapons Activities	4,531,000	4,536,800	4,530,000	(41,005)	4,489,995
Defense Environmental Restoration and Waste Management	4,514,376	5,650,468	5,532,868	981,492	5,495,868
Defense Nuclear Waste Disposal	73,000	73,000	73,000	0	73,000
Other Defense Activities	1,792,000	1,779,059	1,821,000	13,959	1,805,959
Defense Facilities Closure Projects	1,054,492	0	0	(1,054,492)	0
Defense Environmental Management Privatization	228,000	228,000	216,000	0	228,000
Formerly Utilized Site Remediation	150,000	0	0	(150,000)	0
Defense Nuclear Facilities Safety Board	17,500	17,500	17,500	0	17,500
Total Atomic Energy Defense Activities (053)	12,360,368	12,284,827	12,190,368	(250,046)	12,110,322

Titles XXXI-XXXII **Atomic Energy Defense Activities**

<u>ACCOUNT TITLE</u>	<u>Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Agreement</u>
<u>ATOMIC ENERGY DEFENSE ACTIVITIES</u>					
WEAPONS ACTIVITIES					
Stockpile Stewardship					
Core Stockpile Stewardship					
Operation and maintenance	1,635,355	1,640,355	1,615,355	(25,000)	1,610,355
Construction:					
00-D-103, Terascale simulation facility, LLNL, Livermore, CA	8,000	8,000	8,000	0	8,000
00-D-105, Strategic computing complex, LANL, Los Alamos, NM	26,000	26,000	26,000	0	26,000
00-D-107 Joint computational engineering laboratory, SNL, Albuquerque, NM	1,800	1,800	1,800	0	1,800
99-D-102 Rehabilitation of maintenance facility, LLNL, Livermore, CA	3,900	3,900	3,900	0	3,900
99-D-103 Isotope sciences facilities, LLNL, Livermore, CA	2,000	2,000	2,000	0	2,000
99-D-104 Protection of real property (roof reconstruction-Phase II), LLNL, Livermore, CA.	2,400	2,400	2,400	0	2,400

Titles XXXI-XXXII **Atomic Energy Defense Activities**

<u>ACCOUNT TITLE</u>	<u>Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Agreement</u>
99-D-105 Central health physics calibration facility, LANL, Los Alamos, NM	1,000	1,000	1,000	0	1,000
99-D-106 Model validation & system certification test center, SNL Albuquerque, NM	6,500	6,500	6,500	0	6,500
99-D-108 Renovate existing roadways, Nevada Test Site, NV	7,005	7,005	7,005	0	7,005
97-D-102 Dual-axis radiographic hydrotest facility, LANL, Los Alamos, NM	61,000	61,000	61,000	0	61,000
96-D-102 Stockpile stewardship facilities revitalization, Phase VI, various locations	2,640	2,640	2,640	0	2,640
96-D-104 Processing and environmental technology laboratory, SNL, Albuquerque, NM	10,900	10,900	10,900	0	10,900
General Reduction		(10,000)			
Total, Construction	133,145	123,145	133,145	0	133,145
Total, Core Stockpile Stewardship	1,768,500	1,763,500	1,748,500	(25,000)	1,743,500
Inertial Fusion					
Operation and maintenance	217,600	227,600	217,600	10,000	227,600

Titles XXXI-XXXII

Atomic Energy Defense Activities

<u>ACCOUNT TITLE</u>	<u>Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Agreement</u>
Construction:					
96-D-111 National ignition facility (NIF), LLNL, Livermore, CA	248,100	248,100	248,100	0	248,100
Total, Inertial Fusion	465,700	475,700	465,700	10,000	475,700
Technology Partnerships/Education					
Technology partnership	22,200	14,500	15,200	(7,700)	14,500
Education	29,800	5,000	19,300	(11,200)	18,600
Total, Technology Partnerships/Education	52,000	19,500	34,500	(18,900)	33,100
Total, Stockpile Stewardship	2,286,200	2,258,700	2,248,700	(33,900)	2,252,300
Stockpile Management					
Operation and maintenance	1,839,621	1,897,621	1,880,621	25,000	1,864,621
Construction:					
99-D-122 Rapid reactivation, various locations	11,700	11,700	11,700	0	11,700
99-D-127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO	17,000	17,000	17,000	0	17,000
99-D-128 Stockpile management restructuring initiative Pantex plant, Amarillo, TX	3,429	3,429	3,429	0	3,429
99-D-132 Stockpile Management Restructuring Initiative					

Titles XXXI-XXXII

Atomic Energy Defense Activities

<u>ACCOUNT TITLE</u>	<u>Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Agreement</u>
nuclear material S&S upgrade project, LANL, Los Alamos, NM	11,300	11,300	11,300	0	11,300
98-D-123 Stockpile management restructuring initiative, Tritium facility modernization and consolidation, Savannah River plant, Aiken, SC	21,800	21,800	21,800	0	21,800
98-D-124 Stockpile management restructuring initiative, Y-12 consolidation, Oak Ridge, TN	3,150	3,150	3,150	0	3,150
98-D-125 Tritium extraction facility, Savannah River plant, Aiken, SC	33,000	33,000	33,000	0	33,000
98-D-126 Accelerator production of tritium (APT), various locations	31,000	31,000	31,000	0	31,000
97-D-123 Structural upgrades, Kansas City plant, Kansas City, KS	4,800	4,800	4,800	0	4,800
95-D-102 Chemistry and metallurgy research (CMR) upgrades project, LANL, Los Alamos, NM	18,000	18,000	18,000	0	18,000
88-D-123 Security enhancements, Pantex plant, Amarillo, TX	3,500	3,500	3,500	0	3,500
General Reduction		(10,000)			

Titles XXXI-XXXII

Atomic Energy Defense Activities

<u>ACCOUNT TITLE</u>	<u>Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Agreement</u>
Total, Construction	158,679	148,679	158,679	0	158,679
Total, Stockpile Management	1,998,300	2,046,300	2,039,300	25,000	2,023,300
 Program Direction	 246,500	 236,500	 242,000	 (5,000)	 241,500
Subtotal, Weapons Activities	4,531,000	4,541,500	4,530,000	(13,900)	4,517,100
General Reduction		(4,700)			
Contractor Travel Savings				(6,100)	(6,100)
Directed Savings				(7,005)	(7,005)
Use of prior year balances	0	0	0	(14,000)	(14,000)
TOTAL, WEAPONS ACTIVITIES	4,531,000	4,536,800	4,530,000	(41,005)	4,489,995

DEFENSE ENVIRONMENTAL RESTORATION & WASTE MANAGEMENT

Site/Project Completion					
Operation and maintenance	892,629	918,129	892,629	0	892,629
 Construction:					
99-D-402 Tank farm support services, F&H areas, Savannah River Site, Aiken, SC	3,100	3,100	3,100	0	3,100
 99-D-404 Health physics instrumentation laboratory, INEEL, ID	7,200	7,200	7,200	0	7,200
 98-D-401 H-tank farm storm water systems upgrade, Savannah River Site, Aiken, SC	2,977	2,977	2,977	0	2,977

Titles XXXI-XXXII **Atomic Energy Defense Activities**

<u>ACCOUNT TITLE</u>	<u>Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Agreement</u>
98-D-453 Plutonium stabilization and handling system for PFP, Richland, WA	16,860	16,860	16,860	0	16,860
98-D-700 INEEL road rehabilitation, INEEL, ID	2,590	2,590	2,590	0	2,590
97-D-450 Actinide packaging and storage facility, Savannah River Site, Aiken, SC	4,000	4,000	4,000	0	4,000
97-D-470 Regulatory monitoring and bioassay lab, Savannah River Site, Aiken, SC	12,220	12,220	12,220	0	12,220
96-D-406 Spent nuclear fuels canister storage and stabilization facility, Richland, WA	24,441	24,441	24,441	0	24,441
96-D-464 Electrical & utility systems upgrade, Idaho Chemical Processing Plant, INEEL, ID	11,971	11,971	11,971	0	11,971
96-D-471 CFC HVAC/chiller retrofit, Savannah River Site, Aiken, SC	931	931	931	0	931
86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA	2,000	2,000	2,000	0	2,000
Total, Construction	88,290	88,290	88,290	0	88,290

Titles XXXI-XXXII

Atomic Energy Defense Activities

<u>ACCOUNT TITLE</u>	<u>Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Agreement</u>
Total, Site/Project Completion	980,919	1,006,419	980,919	0	980,919
Post 2006 Completion					
Operation and maintenance	2,658,997	2,711,297	2,627,997	(25,300)	2,633,697
Uranium enrichment D&D fund contribution	240,000	240,000	220,000	0	240,000
Construction:					
00-D-401 SNF treatment and storage facility Title I & II, Savannah River Site, Aiken, SC	7,000	7,000	7,000	0	7,000
99-D-403 Privatization phase I infrastrucure support, Richland, WA	13,988	13,988	13,988	0	13,988
97-D-402 Tank farm restoration and safe operations, Richland, WA	20,516	20,516	20,516	0	20,516
94-D-407 Initial tank retrieval systems, Richland, WA	4,060	4,060	4,060	0	4,060
93-D-187 High-level waste removal from filled waste tanks, Savannah River Site, Aiken, SC	8,987	8,987	8,987	0	8,987
General Reduction, Construction				(8,300)	(8,300)
Total, Construction	54,551	54,551	54,551	(8,300)	46,251
Total, Post 2006 Completion	2,953,548	3,005,848	2,902,548	(33,600)	2,919,948

Titles XXXI-XXXII **Atomic Energy Defense Activities**

<u>ACCOUNT TITLE</u>	<u>Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Agreement</u>
Science and technology	230,500	240,500	235,500	0	230,500
Program direction	349,409	327,109	344,409	(10,000)	339,409
DEFENSE FACILITIES CLOSURE PROJECTS					
Site closure	0	1,092,492	1,069,492	1,069,492	1,069,492
General Reduction to Post 2006 Completion & Site/Project Completion (O&M)		(20,000)			
General Reduction		(1,900)			
Subtotal, Def. environmental restoration & waste management	4,514,376	5,650,468	5,532,868	1,025,892	5,540,268
Use of Prior Year Balances	0	0	0	(44,400)	(44,400)
Construction Project Overrun	0	0	0	0	0
Dupont Pension Refund (EH)	0	0	0	0	0
TOTAL, DEFENSE ENVIRONMENTAL RESTORATION & WASTE MGMT.	4,514,376	5,650,468	5,532,868	981,492	5,495,868
DEFENSE FACILITIES CLOSURE PROJECTS					
Site closure	1,054,492	0	0	(1,054,492)	0
DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION					
Tank waste remediation system Privatization Phase I, Richland	106,000	106,000	106,000		106,000
Advanced mixed waste treatment project, Idaho	110,000	110,000	110,000		110,000
Spent nuclear fuel dry storage, Idaho	5,000	5,000	5,000		5,000
Transuranic waste treatment, Oak Ridge	12,000	12,000	12,000		12,000
Environmental management/waste management disposal, Oak Ridge	20,000	20,000	20,000		20,000
Total, Privatization initiatives, various locations	253,000	253,000	241,000	0	253,000
Use of prior year balances	(25,000)	(25,000)	(25,000)	0	(25,000)
TOTAL, DEFENSE ENVIRONMENT MANAGEMENT PRIVATIZATION	228,000	228,000	216,000	0	228,000

Titles XXXI-XXXII

Atomic Energy Defense Activities

<u>ACCOUNT TITLE</u>	<u>Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Agreement</u>
OTHER DEFENSE ACTIVITIES					
Nonproliferation and National Security					
Nonproliferation and verification R&D					
Operation and maintenance	215,000	215,000	215,000	0	215,000
Construction:					
00-D-192 Nonproliferation and international security center (NISC), LANL	6,000	6,000	6,000	0	6,000
Arms control	296,000	233,000	276,000	(20,000)	276,000
Intelligence	0	0	0		0
Total,	517,000	454,000	497,000	(20,000)	497,000
Nuclear safeguards and security	59,100	59,100	59,100	0	59,100
Security investigations	30,000	10,000	47,000	14,100	44,100
Offset to user organizations	(20,000)	0	(20,000)	0	(20,000)
Emergency management	21,000	21,000	21,000	0	21,000
HEU transparency implementation	15,750	15,750	15,750	0	15,750
International nuclear safety	34,000	15,300	34,000	(9,300)	24,700
Program direction	90,450	83,050	90,450	0	90,450
Total,	230,300	204,200	247,300	4,800	235,100
Total, Nonproliferation and National Security	747,300		744,300		732,100
Intelligence	36,059	36,059	36,059	0	36,059
Counterintelligence	31,200	39,800	66,200	8,000	39,200

Titles XXXI-XXXII **Atomic Energy Defense Activities**

<u>ACCOUNT TITLE</u>	<u>Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Agreement</u>
Worker and Community Transition					
Worker and community transition	26,500	26,500	26,500	0	26,500
Program direction	3,500	3,500	3,500	0	3,500
General Reduction		(10,000)			
Total, Worker and Community Transition	30,000	20,000	30,000	0	30,000
Fissile Materials Control and Disposition					
Operation and maintenance	129,766	168,766	129,766	0	129,766
Construction					
00-D-142, Immobilization and associated processing facility, various locations	21,765	21,765	21,765	0	21,765
99-D-141 Pit disassembly and conversion facility, various locations	28,751	28,751	28,751	0	28,751
99-D-143 Mixed oxide fuel fabrication facility, various locations	12,375	12,375	12,375	0	12,375
Total, Construction	62,891	62,891	62,891	0	62,891
Program direction	7,343	7,343	7,343	0	7,343
Total, Fissile materials control and disposition	200,000	239,000	200,000	0	200,000
Environment, Safety & Health					
Office of environment, safety and health (defense)	67,231	79,231	54,231	6,000	73,231

Titles XXXI-XXXII **Atomic Energy Defense Activities**

<u>ACCOUNT TITLE</u>	<u>Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Agreement</u>
Program direction	24,769	24,769	24,769	0	24,769
Total, Environment, Safety and Health	92,000	104,000	79,000	6,000	98,000
National Security Programs Administrative Support					
Office of hearings and appeals	3,000	3,000	3,000	0	3,000
Naval Reactors					
Naval reactors development					
Operation and maintenance	620,400	636,400	630,400	12,600	633,000
Construction:					
GPN-101 General plant projects, various locations	9,000	9,000	9,000	0	9,000
98-D-200 Site laboratory/facility upgrade, various locations	3,000	3,000	3,000	0	3,000
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID	12,000	12,000	12,000	0	12,000
Total, Construction	24,000	24,000	24,000	0	24,000
Total, Naval Reactors Development	644,400	660,400	654,400	12,600	657,000
Program Direction	20,600	20,600	20,600	0	20,600
Total, Naval Reactors	665,000	681,000	675,000	12,600	677,600
Subtotal, Other Defense Activities	1,804,559	1,781,059	1,833,559	11,400	1,815,959

Titles XXXI-XXXII **Atomic Energy Defense Activities**

<u>ACCOUNT TITLE</u>	<u>Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Agreement</u>
Adjustments:					
Use of prior year balances	0	0	0	(8,000)	(8,000)
General reduction		(2,000)		(2,000)	(2,000)
Contribution from labs	(12,559)	0	(12,559)	12,559	0
Total, Adjustments	(12,559)	(2,000)	(12,559)	2,559	(10,000)
TOTAL, OTHER DEFENSE ACTIVITIES	1,792,000	1,779,059	1,821,000	13,959	1,805,959
DEFENSE NUCLEAR WASTE DISPOSAL					
Defense nuclear waste disposal	112,000	73,000	112,000	0	112,000
Transfer to nuclear waste disposal	(39,000)	0	(39,000)	0	(39,000)
Total, Defense nuclear waste	73,000	73,000	73,000	0	73,000
FORMERLY UTILIZED SITES REMEDIAL ACTIONS PROGRAM	150,000	0	0	(150,000)	0
TOTAL, DEFENSE NUCLEAR ACTIVITIES	12,342,868	12,267,327	12,172,868	(250,046)	12,092,822
DEFENSE NUCLEAR SAFETY BOARD	17,500	17,500	17,500		17,500
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	12,360,368	12,284,827	12,190,368	(250,046)	12,110,322

ITEMS OF SPECIAL INTEREST

Long-term stewardship plan

The conferees direct the Secretary of Energy to provide to the Armed Services Committees of the Senate and House of Representatives, not later than October 1, 2000, a report on existing and anticipated long-term environmental stewardship responsibilities for those Department of Energy (DOE) sites or portions of sites for which environmental restoration, waste disposal, and facility stabilization is expected to be completed by the end of calendar year 2006. The report shall include a description of what sites, whole and geographically distinct locations, as well as specific disposal cells, contained contamination areas, and entombed contaminated facilities that cannot or are not anticipated to be cleaned up to standards allowing for unrestricted use. The report shall also identify the long-term stewardship responsibilities (for example, longer than 30 years) that would be required at each site, including soil and groundwater monitoring, record keeping, and containment structure maintenance. In those cases where the Department has a reasonably reliable estimate of annual or long-term costs for stewardship activities, such costs shall be provided. The Secretary shall attempt to provide sufficient information to ensure confidence in the Department's commitment to carrying out these long-term stewardship responsibilities and to undertake the necessary management responsibilities, including cost, scope, and schedule.

The conferees recognize that in many cases residual contamination will be left after cleanup or will be contained through disposal, and that such residual contamination and wastes will require long-term stewardship to ensure that human health and the environment are protected.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—National Security Programs Authorizations

Weapons activities (sec. 3101)

The budget request included \$4.5 billion for atomic energy defense weapons activities of the Department of Energy (DOE).

The Senate bill contained a provision (sec. 3101) that would authorize \$4.5 billion for weapons activities, a decrease of \$1.0 million.

The House amendment included a similar provision (sec. 3101) that would authorize \$4.5 billion for weapons activities, an increase of \$8.5 million.

The Senate recedes in part and the House recedes in part.

The conferees agree to authorize \$4.5 billion, a decrease of \$41.0 million from the requested amount. The amount authorized is for the following activities: \$2.3 billion for stockpile stewardship, a decrease of \$33.9 million; \$2.0 billion for stockpile management, an increase of \$25.0 million; and \$241.5 million for program direction, a decrease of \$5.0 million. The conferees agree to decreases of \$27.1 million as follows: \$6.1 million for contractor travel savings; \$14.0 million from uncosted prior year funds; and \$7.0 million from stockpile stewardship and stockpile management construction projects.

Accelerated Strategic Computing Initiative and Stockpile Computing program

Of the amounts authorized to be appropriated for stockpile stewardship, the conferees recommend \$517.5 million for the Accelerated Strategic Computing Initiative (ASCI) and Stockpile Computing programs, a decrease of \$25.0 million.

The conferees are disappointed that the Department of Energy failed to follow congressional guidance included in the statement of managers accompanying the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) to slow the rate of acquisition in the ASCI and Stockpile Computing programs. The conferees continue to support the ASCI and Stockpile Computing programs, but believe that the Department has not fully justified the rate of growth in this program in light of other programmatic requirements of the Office of Defense Programs. The conferees note that even at this reduced level of funding, the ASCI and Stockpile Computing programs will experience significant growth in funding levels over fiscal year 1998 and 1999 funding levels.

The conferees support the Secretary of Energy's continued utilization of the capabilities and facilities of the Pittsburgh supercomputing Center to better meet the Department's supercomputing needs in lieu of planned acquisitions proposed within the ASCI program.

Inertial Confinement Fusion

Of the amounts authorized to be appropriated for stockpile stewardship, the conferees recommend \$227.6 million for the inertial confinement fusion (ICF) program, an increase of \$10.0 million. Of the amounts authorized for ICF, \$30.5 million shall be available for the University of Rochester's Laboratory for Laser Energetics.

Technology partnerships and education

Of the amounts authorized to be appropriated for stockpile stewardship, the conferees recommend \$14.5 million for the technology partnerships subaccount, a decrease of \$7.7 million, and \$18.6 million for the education subaccount, a decrease of \$11.2 million. Of the amounts available in the technology partnerships and education, the conferees recommend \$5.0 million for the American Textiles Partnership project. The conferees understand that DOE funding for this partnership will end in fiscal year 2000. The conferees recommend no funds to relocate, or prepare for relocation, the U.S. Atomic Museum in Albuquerque, New Mexico. The conferees believe that the local community derives the principal economic benefit from the commercial activities at the museum and should, therefore, bear the major share of any new construction costs. The conferees recommend the requested amount of \$6.0 million be made available for the Northern New Mexico Educational Enrichment Foundation. The conferees recommend the requested amount of \$8.0 million be made available for education support to the Los Alamos school district, the requested amount.

The conferees believe that the Amarillo Plutonium Research Center is more appropriately funded by the Office of Fissile Mate-

rials Control and Disposition and, accordingly, recommends no stockpile stewardship funds for this activity.

Stockpile management programs

The conferees recommend an increase of \$25.0 million for weapons production plants, to be allocated as follows: \$15.0 million for the Kansas City Plant to support advanced manufacturing efforts such as the Advanced Manufacturing, Design and Production Technologies program, infrastructure improvements, and skills retention; and \$10.0 million for the Pantex Plant to support scheduled workload requirements associated with weapons dismantlement activities, infrastructure improvements, and skills retention.

The conferees believe that the following activities are more appropriately funded through the Office of Fissile Materials Control and Disposition and that they be transferred from the Office of Defense Programs to the Office of Fissile Materials Disposition: storage of special nuclear materials that have been designated surplus to U.S. military needs; the Parallax mixed oxide fuel project at Los Alamos National Laboratory; and plutonium pit disassembly and conversion activities. The conferees believe that these activities are more consistent with the missions and functions of the Office of Fissile Materials Control and Disposition and direct the Director of that office to assume responsibility for these programs not later than fiscal year 2001. The conferees expect that future years funding requirements for these activities will be reflected in the budget request for the Office of Fissile Materials Control and Disposition.

Tritium production

The conferees recommend \$170.0 million for the tritium production program. This amount includes full funding for the Secretary's preferred tritium production option, the procurement of irradiation services from an existing Tennessee Valley Authority light water reactor under the Economy Act of 1932 (42 U.S.C. 1535). The conferees are, however, concerned that the budget request may be insufficient to complete design of critical elements of the Department's selected backup technology, the accelerator production of tritium (APT). The conferees note that a separate provision in this Act requires the Secretary to provide sufficient funds to complete engineering development and demonstration, preliminary design, and detailed design of key elements of the APT system and to complete engineering development and preliminary design of the APT technology as a backup source of tritium consistent with the Secretary's December 22, 1998, decision. The conferees encourage the Secretary to utilize those stockpile management funds necessary to complete design of these critical elements of the APT system.

Program direction

The conferees recommend a \$5.0 million decrease to the budget request for program direction.

The conferees strongly encourage the Secretary to utilize the authority to make voluntary separation incentive payments authorized elsewhere by this Act. The conferees are disappointed that the Department has failed to implement fully the realignment rec-

ommendations described in the 1997 report of the Institute for Defense Analysis on the management structure for weapons activities of the Department. The statement of managers accompanying the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) directed the Department to begin implementation of these recommendations as soon as practicable. The conferees believe that the proposed decrease to the program direction account can be achieved through savings and efficiency gains resulting from reorganization and program realignment efforts. The conferees believe that the performance of the Office of Defense Programs will be improved by eliminating duplicative efforts and by streamlining management control of DOE weapons activities.

Defense Programs Campaigns

The conferees fully support the "Defense Programs Campaigns" concept proposed by the Assistant Secretary of Energy for Defense Programs. This concept will greatly assist Congress in assessing the degree of integration among varied experiments, simulation, research, and weapons assessments activities carried out at the DOE weapons laboratories and production plants. The conferees direct that future budget weapons activities submittals reflect the campaign concept.

Defense environmental restoration and waste management (sec. 3102)

The budget request included \$4.5 billion for defense environmental management activities and \$1.0 billion for defense facility closure projects of the Department of Energy (DOE).

The Senate bill contained a provision (sec. 3102) that would authorize \$5.5 billion for defense environmental management activities, including closure projects, a reduction of \$36.0 million.

The House amendment included a similar provision (sec. 3102) that would authorize \$5.7 billion for environmental management activities, including closure projects, an increase of \$81.0 million.

The Senate recedes in part and the House recedes in part. The conferees recommend an authorization of \$5.5 billion for defense environmental management activities, including closure projects, a reduction of \$73.0 million. The amount authorized is for the following activities: \$1.1 billion for closure projects, an increase of \$15.0 million; \$980.9 million for site and project completion, the amount of the request; \$2.9 billion for post-2006 completion, a decrease of \$33.6 million; the requested amount of \$230.5 million for technology development; and \$339.4 million for program direction, a decrease of \$10.0 million. The conferees agreed to decreases of \$44.4 million as follows: \$2.4 million to account for reduced travel expenditures and \$42.0 to account for increased contractor efficiencies to be gained through contract management reforms.

Defense facility closure projects

Of the amounts authorized for defense facility closure projects, the conferees recommend an increase of \$15.0 million for the Rocky Flats Environmental Technology Site to ensure that the closure deadline of 2000 is met.

Post-2006 completion

Of the amounts authorized for post-2006 completion, the conferees recommend an increase of \$15.0 million to address planning, demonstration and other requirements associated with modification of the Savannah River in-tank precipitation process; an increase of \$10.0 million to address Hanford cleanup commitments, including the 324-B Cell project, the Columbia River Corridor Initiative, reactor decontamination and decommissioning, and Plutonium Finishing Plant stabilization activities; an increase of \$5.0 million for operations and maintenance activities at the Hanford Tank Waste Remediation System project; an increase of \$5.0 million for the National Spent Fuel Program; a reduction of \$20.0 million for environment, safety and health studies related to off-site releases of contamination; a reduction of \$40.3 million to the Pit 9 project to account for uncosted, available funds; and a total reduction of \$8.3 million to construction projects 88-R-830 and 94-E-602. The conferees recommend full funding for the F-canyon and H-canyon materials processing facilities.

Technology development

Of the amounts authorized for the Office of Science and Technology, the conferees recommend an increase of \$5.0 million for applied research and development activities to be offset by a reduction to data base development and information management activities, the risk policy program, and the environmental management science program.

The conferees support the integration of industrial programs and university based programs into the Environmental Management technology focus areas. The conferees encourage the Office of Science and Technology to continue its inclusion of industry, universities, and nonprofit organizations in technology development and deployment activities.

Program direction

The conferees recommend a reduction of \$10.0 million to program direction.

Columbia River Corridor Initiative

The conferees support the Columbia River Corridor Initiative to accelerate cleanup along the Hanford Reach of the Columbia River. The conferees direct the Assistant Secretary of Energy for Environmental Management to establish a schedule by which the 100 square miles of the Hanford site that adjoin the Columbia River could be cleaned up on an accelerated schedule and proposed for delisting from the National Priorities List of the Environmental Protection Agency.

Other defense activities (sec. 3103)

The budget request included \$1.8 billion for other defense activities of the Department of Energy (DOE).

The Senate bill contained a provision (sec. 3103) that would authorize \$1.8 billion for other defense activities, an increase of \$29.0 million to the budget request.

The House amendment contained a provision (sec. 3103) that would authorize \$1.8 billion for other defense activities, a decrease of \$12.9 million to the budget request.

The Senate recedes in part and the House recedes in part.

The conferees agree to authorize \$1.8 billion, an increase of \$13.9 million. The conferees agreed to a decrease of \$10.0 million as follows: \$2.0 million to account for reduced travel expenditures and \$8.0 from uncosted prior year funds. The conferees did not include the Department's proposed offset of \$12.6 million to fund counterintelligence programs.

Nonproliferation and national security

The conferees recommend \$732.1 million for nonproliferation and national security.

Arms control

The conferees recommend \$276.0 million for arms control, a reduction of \$20.0 million. The conferees direct that this reduction be taken in the Initiatives for Proliferation Prevention program and the Nuclear Cities Initiative. The conferees recommend \$145.0 million for the international materials protection, control, and accounting program, the requested amount.

Security clearances

The conferees recommend \$44.1 million for security clearances, an increase of \$14.1 million. The additional funds would be used to decrease the backlog of background investigations and to elevate certain DOE and contractor employees' clearances, as would be required by a separate provision in this Act.

International nuclear safety

The conferees recommend \$24.7 million for international nuclear safety, a reduction of \$9.3 million.

Fissile materials control and disposition

The conferees recommend \$200.0 million for fissile materials control and disposition, the requested amount.

The conferees believe that many activities currently carried out by the Office of Defense Programs would be more appropriately carried out by the Office of Fissile Materials Control and Disposition. The conferees direct that the Office of Fissile Materials Control and Disposition assume responsibility for the following activities currently funded within the weapons activities account: storage of special nuclear materials that have been designated surplus to U.S. military needs; the Parallax mixed oxide fuel project at Los Alamos National Laboratory; the Amarillo Plutonium Research Center; and surplus plutonium pit disassembly and conversion activities. The conferees believe that this action will more accurately reflect the missions and functions of the Office of Fissile Materials Control and Disposition. The conferees expect that future year funding requirements for these activities will be reflected in the materials disposition program budget account.

The conferees believe that the Amarillo Plutonium Research Center is more appropriately funded by the Office of Fissile Mate-

rials Control and Disposition and, accordingly, recommend \$5.0 million for this activity.

The conferees are pleased to note the continuing progress of the gas reactor development program and hope that this might provide additional plutonium burning capacity in Russia.

Worker and community transition

The conferees recommend the requested amount of \$30.0 million for worker and community transition.

Environment, safety and health-defense

The conferees recommend \$98.0 million for environment, safety and health-defense, an increase of \$6.0 million.

Counterintelligence

The conferees recommend \$39.2 million for the Office of Counterintelligence, an increase of \$8.0 million. The conferees recommend that the additional funds be utilized to implement an enhanced computer security program at DOE facilities, including cyber security measures such as intrusion detection, early warning, reporting, and analysis capabilities. The conferees direct that priority be given to implementing such added computer security at the three weapons laboratories.

Intelligence

The conferees recommend the requested amount of \$36.0 million for the Office of Intelligence.

Naval Reactors

The conferees recommend \$677.6 million for naval reactors, an increase of \$12.6 million. The conferees expect these funds to be utilized to expedite decommissioning and decontamination activities at surplus training facilities.

Defense nuclear waste disposal (sec. 3104)

The Senate bill contained a provision (sec. 3105) that would authorize \$112.0 million for the Department of Energy (DOE) fiscal year 2000 defense contribution to the Defense Nuclear Waste Fund. The authorized amount would be offset by \$39.0 million to account for transfer of funds to the Nuclear Waste Disposal Fund.

The House amendment contained a similar provision (sec. 3104) that would authorize \$73.0 million for the DOE fiscal year 2000 defense contribution to the Defense Nuclear Waste Fund.

The House recedes.

Defense environmental management privatization (sec. 3105)

The Senate bill contained a provision (sec. 3105) that would authorize \$241.0 million for defense environmental management privatization projects, an increase of \$13.0 million, to be allocated as follows: \$106.0 million for the Tank Waste Remediation System project, phase I (Richland); \$110.0 million for the Advanced Mixed Waste Treatment project (Idaho); \$5.0 million for spent nuclear fuel dry storage (Idaho); and \$20.0 million for environmental management/waste management disposal (Oak Ridge). The provision de-

clined to recommend privatization funds for the Oak Ridge Transuranic Waste Treatment project, which was moved to the Site and Project Completion account. The provision further authorized the use of \$25.0 million in fiscal year 1998 unobligated, uncosted balances within the Defense Environmental Management Privatization account to reflect the cancellation of the spent nuclear fuel transfer and storage project (Savannah River).

The House amendment included a similar provision (sec. 3105) that would authorize \$253.0 million for defense environmental management privatization projects, an increase of \$25.0 million, including \$12.0 million for transuranic waste treatment (Oak Ridge) and the use of \$25.0 million in fiscal year 1998 unobligated, uncosted balances to reflect the cancellation of the spent nuclear fuel transfer and storage project (Savannah River).

The Senate recedes.

The conferees declined to accept the request for a multiyear funding authorization for defense environmental management privatization activities. The conferees fully support the Tank Waste Remediation System privatization project at the Hanford site. The conferees believe that the technological approach proposed to address the wastes stored in the Hanford tanks is viable and realistic.

Subtitle B—Recurring General Provisions

Reprogramming (sec. 3121)

The Senate bill contained a provision (sec. 3121) that would prohibit the reprogramming of funds in excess of 110 percent of the amount authorized for the program, or in excess of \$1.0 million above the amount authorized for the program, until the Secretary of Energy submits a report to the congressional defense committees and a period of 30 days has elapsed after the date on which the report is received.

The House amendment contained a similar provision (sec. 3121) that would prohibit the reprogramming of funds until 60 days after the date the Secretary of Energy notifies the congressional defense committees.

The Senate recedes with an amendment that would prohibit the reprogramming of funds until 45 days after the date the Secretary of Energy notifies the congressional defense committees.

Limits on general plant projects (sec. 3122)

The Senate bill contained a provision (sec. 3122) that would authorize the Secretary of Energy to carry out any construction project authorized under general plant projects if the total estimated cost does not exceed \$5.0 million. The provision would require the Secretary to submit a report to the congressional defense committees detailing the reasons for the cost variation if the cost of the project is revised to exceed \$5.0 million.

The House amendment contained an identical provision (sec. 3122).

The conference agreement includes this provision.

Limits on construction projects (sec. 3123)

The Senate bill contained a provision (sec. 3123) that would permit any construction project to be initiated and continued only if the estimated cost for the project does not exceed 125 percent of the higher of the amount authorized for the project or the most recent total estimated cost presented to the Congress as justification for such project. The provision would prohibit the Secretary of Energy from exceeding such limits until 30 legislative days after the Secretary submits to the congressional defense committees a detailed report setting forth the reasons for the increase. This provision would also specify that the 125 percent limitation would not apply to projects estimated to cost under \$5.0 million.

The House amendment contained an identical provision (sec. 3123).

The conference agreement includes this provision.

Fund transfer authority (sec. 3124)

The Senate bill contained a provision (sec. 3124) that would permit funds authorized by this Act to be transferred to other agencies of the government for performance of work for which the funds were authorized and appropriated. The provision would permit the merger of such transferred funds with the authorizations of the agency to which they are transferred. The provision would also limit, to not more than 5 percent of the account, the amount of funds authorized by this Act that may be transferred between authorization accounts within the Department of Energy.

The House amendment contained an identical provision (sec. 3124).

The conference agreement includes this provision.

Authority for conceptual and construction design (sec. 3125)

The Senate bill contained a provision (sec. 3125) that would limit the authority of the Secretary of Energy to request construction funding until the Secretary has completed a conceptual design. This limitation would apply to construction projects with a total estimated cost greater than \$5.0 million. If the estimated cost to prepare the construction design exceeds \$600,000, the provision would require the Secretary to obtain a specific authorization to obligate such funds. If the estimated cost to prepare the conceptual design exceeds \$3.0 million, the provision would require the Secretary to request funds for the conceptual design before requesting funds for construction. The provision would further require the Secretary to submit to Congress a report on each conceptual design completed under this provision. The provision would also provide an exception to these requirements in the case of an emergency.

The House amendment contained an identical provision (sec. 3125).

The conference agreement includes this provision.

Authority for emergency planning, design, and construction activities (sec. 3126)

The Senate bill contained a provision (sec. 3126) that would permit the Secretary of Energy to perform planning and design with any funds available to the Department of Energy pursuant to

this title, including those funds authorized for advance planning and construction design, whenever the Secretary determines that the design must proceed expeditiously to protect the public health and safety, to meet the needs of national defense, or to protect property.

The House amendment contained an identical provision (sec. 3126).

The conference agreement includes this provision.

Funds available for all national security programs of the Department of Energy (sec. 3127)

The Senate bill contained a provision (sec. 3127) that would authorize, subject to section 3121 of this Act, amounts to be appropriated for management and support activities and for general plant projects to be made available for use in connection with all national security programs of the Department of Energy.

The House amendment contained an identical provision (sec. 3127).

The conference agreement includes this provision.

Availability of funds (sec. 3128)

The Senate bill contained a provision (sec. 3128) that would authorize amounts to be appropriated for operating expenses or for plant and capital equipment for the Department of Energy to remain available until expended. Program direction funds would remain available until the end of fiscal year 2002.

The House amendment contained an identical provision (sec. 3128).

The conference agreement includes this provision.

Transfers of defense environmental management funds (sec. 3129)

The Senate bill contained a provision (sec. 3129) that would provide the manager of each field office of the Department of Energy with limited authority to transfer up to \$5.0 million in fiscal year 2000 defense environmental management funds from one program or project under the jurisdiction of the office to another such program or project, including site project and completion and post 2006 completion funds, once in a fiscal year.

The House amendment contained an identical provision (sec. 3129).

The conference agreement includes this provision.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Prohibition on use of funds for certain activities under Formerly Utilized Site Remedial Action Program (sec. 3131)

The Senate bill contained a provision (sec. 3131) that would prohibit the use of funds, authorized to be appropriated by this Act to conduct treatment, storage, or disposal actions at Formerly Utilized Site Remedial Action Program sites in fiscal year 2000 and beyond.

The House amendment contained no similar provision.

The House recedes.

Continuation of processing, treatment, and disposition of legacy nuclear materials (sec. 3132)

The Senate bill contained a provision (sec. 3132) that would require the Secretary of Energy to maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River site.

The House amendment contained no similar provision.

The House recesses.

The conferees note that maintaining F-canyon and H-canyon facilities has been recommended by the Defense Nuclear Facilities Safety Board and continues to be consistent with Department of Energy program requirements.

Nuclear weapons stockpile life extension program (sec. 3133)

The Senate bill contained a provision (sec. 3133) that would establish the Stockpile Life Extension Program (SLEP) within the Department of Energy (DOE) Office of Defense Programs. The provision would require the Secretary of Energy to submit a long-range SLEP plan, including, but not limited to: (1) detailed proposals for the remanufacture of each weapon design designated to be included in the enduring stockpile; (2) detailed proposals to expedite the collection of those data necessary to support SLEP, such as materials and component aging, new manufacturing techniques, and materials replacement issues; (3) the role and mission of each DOE nuclear weapons laboratory and production plant, including anticipated workload, modernization, and skills retention requirements; and (4) funding requirements for each program element, identified by weapon type and facility. The provision would require the SLEP plan to be provided to the congressional defense committees not later than January 1, 2000. The provision would also require the Secretary to update the plan each year and submit it to the congressional defense committees at the same time the President submits the annual budget to Congress. The provision would further require the Secretary to request adequate funds to carry out the activities identified in the SLEP plan and in the annual SLEP plan updates.

The House amendment contained no similar provision.

The House recesses with an amendment that would also require the long-term plan to include an identification of funds that are needed to carry out the program in the current fiscal year and the subsequent five fiscal years. The House amendment would also require an independent assessment by the Comptroller General of the United States to determine whether the plan is executable in the current and future fiscal years.

Procedures for meeting tritium production requirements (sec. 3134)

The Senate bill contained a provision (sec. 3134) that would require the Secretary of Energy to produce new tritium to meet the requirements of the Nuclear Weapons Stockpile Memorandum at the Tennessee Valley Authority (TVA) Watts Bar or Sequoyah nuclear power plants, consistent with the Secretary's December 22, 1998, decision designating the Department of Energy's preferred tritium production technology. The provision would require the Secretary to design and construct a new tritium extraction facility in the H-Area of the Department of Energy Savannah River Site in

order to support fully the Secretary's decision. The provision would further require the Secretary to complete engineering development and preliminary design of the Accelerator Production of Tritium (APT) technology as a backup source of tritium to the Department of Energy's preferred technology, consistent with the Secretary's December 22, 1998, decision, and to make available those funds necessary to complete engineering development and demonstration, preliminary design, and detailed design of key elements of the APT system, consistent with the Secretary's decision of December 22, 1998.

The House amendment contained a similar provision (sec. 3161) that would require the Secretary of Energy to prepare a plan to expedite design, completion, and construction of the APT. The provision would require the Secretary to designate APT as the primary technology for tritium production and implement the APT plan, if amended licenses for the operation of commercial light water reactors for tritium production have not been completed by December 31, 2002.

The House recedes.

Independent cost estimate of accelerator production of tritium (sec. 3135)

The Senate bill contained a provision (sec. 3135) that would require the Secretary of Energy to conduct an independent cost estimate of the Accelerator Production of Tritium (APT) program at the highest possible level given the state of maturity of the program, but not less than a Type III "sampling technique" method as it is currently defined by the Department of Energy. The Secretary would be required to submit to the congressional defense committees a report on the results of the cost estimate not later than April 1, 2000.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary to conduct an independent cost estimate at a level of detail not less than a Type III "parametric estimate" method, with some sampling where practicable.

The conferees note that the APT program has undergone numerous independent cost estimates and reviews in support of the Secretary's tritium selection decision. The conferees further note that the Secretary's December 22, 1998, tritium decision document states, "[N]umerous reviews have provided confidence that there are no technical roadblocks, and that the costs of the project are well understood." The conferees understand that the next independent cost estimate (ICE) review of the preliminary design of the APT is scheduled for 2002. The conferees expect the Department to continue engineering development and preliminary design of key components of the APT technology, as required by the Secretary's December 1998 tritium decision, and to maintain the current schedule for an ICE review in 2002.

Nonproliferation initiatives and activities (sec. 3136)

The Senate bill contained a provision (sec. 3136) that would: (1) limit the percentage of appropriated funds that may be spent by the Department of Energy (DOE) laboratories to 40 percent; (2)

express a sense of Congress that the President enter into negotiations with the Russian government for the purposes of entering into an agreement between the U.S. and Russia to provide for a permanent exemption from taxation for the Initiatives for Proliferation Prevention Program (IPP); and (3) enhance the management, accountability, and oversight of the IPP and Nuclear Cities Initiative.

The House amendment contained similar provisions (sec. 3131–3132) that would limit the percentage of funds appropriated for the IPP program that are spent at the DOE laboratories to 25 percent and would prohibit funds appropriated for the IPP program from being used to pay Russian government taxes and customs duties.

Both the Senate and the House recede.

The conferees agree to combine all three provisions. The provision would prohibit the payment of Russian taxes but in the event that the payment of Russian taxes is unavoidable, the Secretary of Energy shall: (1) after such payment, submit a report to the congressional defense committees explaining the particular circumstances that would make such payment under the IPP program unavoidable; and (2) ensure that sufficient additional funds are provided to the IPP program to offset the amount of such payment.

The conferees intend that in implementing the requirements of subsection (6), subparagraph (B) of this provision, if funds are reprogrammed to the IPP program to offset the funds used to pay taxes, the Secretary shall use established reprogramming procedures. The conferees note that if the Department of Energy learns that recipients of IPP funds have paid income or other taxes, the conferees expect that the Secretary of Energy will notify the congressional defense committees in accordance with subsection (6), subparagraph (A).

The conferees, troubled by the disproportionately large share of the IPP funds that have remained in the DOE national laboratories, have agreed to a funding restriction that limits the amount of IPP funds spent in the DOE national laboratories to 35 percent of the overall program funding. The DOE had previously committed to achieving a 40 percent limitation. The conferees recognize that meeting the 35 percent in fiscal year 2000 will be a challenge. While clearly the goal of the IPP program is to ensure that the maximum amount of IPP funds reach the program participants, DOE must also ensure that there is adequate program oversight.

Support of theater ballistic missile defense activities of the Department of Defense (sec. 3137)

The House amendment contained a provision (sec. 3134) that would authorize \$30.0 million for the following: stockpile stewardship for theater ballistic missile defense technology development, concept demonstration, and integrated testing to improve reliability and reduce risk in hit-to-kill interceptors for theater ballistic missile defenses; science and engineering teams to address technical problems identified by the director of the Ballistic Missile Defense Organization (BMDO) which are critical to the acquisition of a theater ballistic missile defense capability; and other research, development, and demonstration activities that support the mission of

BMDO. The provision would also require that any such activities conform to the memorandum of understanding (MOU) between the Secretaries of Energy and Defense required by section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) and be funded either through direct contributions or through a waiver of a federal administrative charge, overhead costs, or other indirect costs of the Department of Energy (DOE) or its contractors.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize \$25.0 million for stockpile stewardship for theater ballistic missile defense technology development. The amendment would authorize such funds to be made available through direct contributions or through a waiver of a federal administrative charge, overhead costs, or other indirect costs of the DOE. The amendment would further require that any such activities conform to the MOU between the Secretary of Energy and the Secretary of Defense.

Subtitle D—Matters Relating to Safeguards, Security, and Counterintelligence

Short title (sec. 3141)

The Senate bill contained a provision (sec. 3151) that would cite the title of subtitle D as “Safeguards, Security, and Counterintelligence at Department of Energy Facilities.”

The House amendment contained a provision (sec. 3181) that would cite the title of subtitle F as “The National Security Information Protection Improvement Act.”

The House recedes.

Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities (sec. 3142)

The Senate bill included a provision (sec. 3152) that would repeal sections 3161 and 3162(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85), to eliminate the requirement for the Department of Energy Security Management Board. The provision would create a permanent, independent safeguards security, and counterintelligence oversight commission to assess the adequacy of safeguards, security, and counterintelligence at Department of Energy (DOE) facilities. The provision would require the commission to assess specifically the adequacy of: (1) safeguards, security, and counterintelligence programs, plans, and budgets of each DOE headquarters program element and each DOE field office; (2) capabilities and skills within Headquarters and field organizations; and (3) all relevant DOE guidance, including DOE Orders, Presidential Decision Directives, and the Design Threat Basis document. The provision would require the commission to make recommendations regarding any changes in security or counterintelligence policies and procedures necessary to balance risk and capability in order to deter or react to credible threats.

The provision would require the commission to be composed of nine members serving four-year, staggered terms. The provision would further require that appointments be made not later than 60 days after enactment of the provision, as follows: two by the Chair-

man of the Committee on Armed Services of the Senate, in consultation with the ranking member of that Committee; one by the ranking member of the Committee on Armed Services of the Senate, in consultation with the Chairman of that Committee; two by the Chairman of the Committee on Armed Services of the House of Representatives, in consultation with the ranking member of that Committee; one by the ranking member of the Committee on Armed Services of the House of Representatives, in consultation with the Chairman of that Committee; one by the Secretary of Defense; one by the Director of Central Intelligence; and one by the Director of the Federal Bureau of Investigation. The provision would require that the chairman of the commission be designated from among the members of the commission by the Chairman of the Committee on Armed Services of the Senate, in consultation with the Chairman of the Committee on Armed Services of the House of Representatives. The provision would require that the commission submit to the congressional defense committees, not later than February 15 of each year, an annual activities, findings, and recommendations report. The provision would require that the report include any recommendations for legislation and administrative action.

The House amendment contained no similar provision.

The House recedes.

The conferees recommend that of the funds authorized to be appropriated in fiscal year 2000 by sections 3101 and 3103, not more than \$1.0 million be available to the commission.

Background investigations of certain personnel at Department of Energy facilities (sec. 3143)

The Senate bill contained a provision (sec. 3153) that would require the conduct of a full background investigation, meeting the requirements of section 145 of the Atomic Energy Act of 1954 of any Department of Energy (DOE) employee or any DOE contractor employee whose duties or assignments are required to be carried out in physical proximity to locations where restricted data or formerly restricted data may be located or who has regular access to locations where Restricted Data is located. The provision would require the Secretary to meet requirements of this provision one year from the date of enactment of this provision.

The House amendment contained no similar provision.

The House recedes with an amendment that would limit such requirements to employees who work at a nuclear weapons laboratory or a nuclear weapons production facility.

The conferees understand that this requirement will result in increased costs to the Department of Energy. In order to address this need, the conferees recommended an increase to the budget request for security investigations, as discussed elsewhere in this Act.

Conduct of security clearances (sec. 3144)

The Senate bill contained a provision (sec. 3163) that would require that any background investigation on an individual seeking a security clearance for access to restricted data be conducted by the Federal Bureau of Investigation (FBI). The provision would re-

quire the Director of the FBI to comply with this requirement within one year. The provision would further require the Director to submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on the implementation of this provision, not later than six months after the date of enactment of this Act.

The House amendment contained no similar provision.

The House recedes with an amendment that would limit the requirement to those Department of Energy (DOE) employees and DOE contractor employees who work in a program designated by the Secretary of Energy as special access or personnel assurance and accountability programs. The provision would require the Director, within 18 months of the date of enactment of this Act, to comply with this requirement. The provision would also modify the report requirement by requiring an assessment of the capability of the FBI to carry out this provision, an estimate of the additional resources that would be required, and the extent that contractor personnel would be utilized.

Protection of classified information during laboratory-to-laboratory exchanges (sec. 3145)

The Senate bill contained a provision (sec. 3164) that would require the Secretary of Energy to ensure that all Department of Energy (DOE) employees and DOE contractor employees who participate in laboratory-to-laboratory cooperative activities are fully trained in matters related to the protection of classified information and potential espionage and counterintelligence threats. The provision would further authorize the Secretary to create a pool of counterintelligence experts to be available to accompany DOE-sponsored delegations overseas with the purpose of identifying and mitigating potential espionage threats.

The House amendment contained no similar provision.

The House recedes.

Restrictions on access to national laboratories by foreign visitors from sensitive countries (sec. 3146)

The Senate bill contained a provision (sec. 3156) that would prohibit the obligation or expenditure of any funds authorized to be appropriated or otherwise made available to the Department of Energy (DOE) by section 3101 or 3103 of the Senate bill for conducting a cooperative program (including studies and planning) with the People's Republic of China, Nations of the Former Soviet Union, or any nation designated as a sensitive nation by the Secretary of State beginning on the date that is 45 days after the date of enactment of this provision and continuing until 30 days after the date on which the Secretary of Energy, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation individually submit a certification that such programs: (1) are compliant with DOE orders, regulations, and policies relating to counterintelligence, safeguards and security, and personnel assurance program matters; (2) are compliant with Presidential Decision Directives and other regulations relating to counterintelligence and safeguards and security matters; (3) include adequate protections

against inadvertent release of restricted data, national security information, or any other information that might harm the interests of the United States; and (4) do not represent an undue risk to the national security interests of the United States. The provision would require the certification be provided to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives. The prohibition would not apply to ongoing activities carried out under title III of this Act relating to cooperative threat reduction with states of the former Soviet Union or to programs carried out pursuant to a provision noted elsewhere in this Act for the materials protection control and accounting program of the DOE, but would apply to the Nuclear Cities Initiative and Initiatives for Proliferation Prevention.

The House amendment contained a similar provision (sec. 3190) that would require the Secretary of Energy to complete a background review on any individual who is a citizen or agent of a nation designated by the Secretary as sensitive before such an individual would be permitted access to a DOE national laboratory. The provision would prohibit any individual who is a citizen or agent of a nation designated as sensitive by the Secretary from entering a DOE national laboratory, beginning 30 days after the date of enactment of this section and continuing until 45 days after the date that the DOE Director of Counterintelligence, with the concurrence of the Director of the Federal Bureau of Investigation, certifies that all appropriate measures are in place to prevent espionage or intelligence gathering activities by a sensitive nation. The provision would authorize the Secretary to waive the prohibition on any individual if he determines it is in the national security interests of the United States. The prohibition would not apply to any individual who is an employee or assignee as of the date of enactment of this provision, who has undergone a background review as required by this provision, or who is the representative of a nation that has entered into an agreement with the United States and the admittance of that nation is deemed by the Secretary to be in the interests of the United States.

The Senate recedes with an amendment that would require the Secretary to complete a background review on any individual who is a citizen or agent of a nation designated by the Secretary as sensitive before such an individual would be permitted access to a facility of a DOE national laboratory other than areas where access is provided to the general public. The amendment would prohibit any individual who is a citizen or agent of a nation designated as sensitive by the Secretary from entering a DOE national laboratory other than areas accessible to the general public, beginning 30 days after the date of enactment of this section and continuing until 45 days after the date that the DOE Director of Counterintelligence, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence individually submits a certification that the foreign visitors program at the national laboratories: (1) includes all appropriate measures to prevent espionage or intelligence gathering activities by a sensitive nation; (2) are compliant with DOE orders, regulations, and policies relating to counterintelligence, safeguards and security, and personnel assurance program

matters; (3) are compliant with Presidential Decision Directives and other regulations relating to counterintelligence and safeguards and security matters; (4) include adequate protections against inadvertent release of restricted data, national security information, or any other information that might harm the interests of the United States; and (5) do not represent an undue risk to the national security interests of the United States. The provision would authorize the Secretary to waive the prohibition on any individual or delegation if he determines it is in the national security interests of the United States to grant the waiver. The prohibition would not apply to any individual who is an employee or assignee of the Department of Energy or a DOE contractor as of the date of enactment of this provision and who has undergone a background review as required by this provision. In addition, the provision would exempt from the moratorium activities relating to the Cooperative Threat Reduction Program or Materials Protection Control and Accounting Program.

Department of Energy regulations relating to the safeguarding and security of restricted data (sec. 3147)

The Senate bill contained a provision (sec. 3155) that would amend the Atomic Energy Act of 1954 (42 U.S.C. 2282a) by inserting a new section that would authorize the assessment of civil penalties of not more than \$100,000 per incidence for any person who violates an applicable Department of Energy (DOE) rule, regulation, or order related to safeguarding or securing restricted data. The provision would further authorize the Secretary of Energy to assess monetary penalties against Department of Energy contractors for any violation of a law, regulation, or Department of Energy Order relating to the protection of restricted data or formerly restricted data.

The House amendment contained a similar provision (sec. 3167) that would authorize identical penalties, but would eliminate an exemption in current law which would otherwise have prohibited assessing such penalties against certain non-profit contractors conducting work on behalf of the Department of Energy.

The Senate recedes with an amendment that would limit the amount of any penalties that could be levied against the non-profit contractors to not more than the total fee earned by such contractors in a given fiscal year. The amendment would not allow the assessment of any penalties against such non-profit contractors until they entered into a new contractual agreement with the Department of Energy.

The conferees are concerned that lax management by both the Department of Energy and its management and operating contractors has led to increased risks to U.S. national security. The conferees do not view this action as a precedent for any future actions or discussion that may occur in the coming deliberations on extension of the Price Anderson Act. The conferees believe that protection of classified information and materials is wholly within the control of such contractors and that all DOE contractors, including non-profit entities, should be accountable in this area.

Increased penalties for misuse of Restricted Data (sec. 3148)

The Senate bill contained a provision (sec. 3157) that would modify the Atomic Energy Act of 1954 (42 U.S.C. 2274) by doubling the penalties for release or misuse of Restricted Data.

The House amendment contained a similar provision (sec. 3189) that would increase by twenty times the penalties for release of Restricted Data.

The Senate recedes with an amendment that would increase by five times the penalties for release of Restricted Data.

Supplement to plan for declassification of restricted data and formerly restricted data (sec. 3149)

The Senate bill contained a provision (sec. 1076) that would modify section 3161 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) by requiring the Special Historical Records Review Plan, prepared jointly by the Secretary of Energy and the Archivist of the United States, to include those records that have been or are currently in the process of being declassified pursuant to Executive Order 12958.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Notice to congressional committees of certain security and counter-intelligence failures within nuclear energy defense programs (sec. 3150)

The Senate bill contained a provision (sec. 3162) that would require the Secretary of Energy, after consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, to notify the congressional defense committees of each serious security or counterintelligence failure at a Department of Energy facility that the Secretary considers likely to cause significant harm of damage to the national security interests of the United States. The provision would require the Secretary to submit such notice not later than 30 days after learning of the failure. The provision would require the Senate and the House of Representatives to establish procedures to protect any classified or law enforcement information included in such notice.

The House amendment contained a similar provision (sec. 3166) that would require the Secretary of Energy to notify the Armed Services Committees of the Senate and the House of Representatives whenever the Secretary has any knowledge that classified information relating to military applications of nuclear energy has been disclosed in an unauthorized manner to a foreign power or an agent of a foreign power.

The House recedes with an amendment that would require the Secretary, after consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, to notify the Armed Services Committees of the Senate and the House of Representatives of each security or counterintelligence failure or compromise of classified information at a DOE facility or a facility operated by a DOE contractor that the Secretary considers likely to cause significant harm or damage to the national security interests of the United States. The provision would require the Sec-

retary to submit such notice not later than 30 days after learning of the failure. The provision would require the Senate and the House of Representatives to establish procedures to protect any classified or law enforcement information included in such notice.

The conferees note that the Armed Services Committees of the Senate and the House of Representatives are the committees of Congress with primary oversight of atomic energy defense activities of the Department of Energy. As such, the conferees believe it is necessary that the two committees be kept fully informed of any counterintelligence or security failure or a serious compromise of classified information to a foreign power, either through espionage or through willful or accidental release by a U.S. citizen. This information is essential in order that the committees can effectively carry out appropriate oversight activities and determine if such a disclosure of classified information caused significant damage to U.S. national security interests. The conferees note that nothing in this provision shall be construed to modify or supersede any other requirement to report on intelligence-related issues to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House or Representatives.

Annual report by the President on espionage by the Peoples Republic of China (sec. 3151)

The House amendment contained a provision (sec. 3182) that would require the President to submit a semi-annual report to Congress regarding the steps taken by the Departments of Energy and Defense, Federal Bureau of Investigation, Central Intelligence Agency, and other relevant agencies to respond to espionage activities of the People's Republic of China. The first report would be required to be submitted not later than January 1, 2000.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the President to submit an annual report to Congress not later than March 1 of each fiscal year.

Report on counterintelligence and security practices at national laboratories (sec. 3152)

The House amendment contained a provision (sec. 3169) that would require the Secretary of Energy to submit a report to Congress not later than March 1 of each year regarding the status of counterintelligence activities at Department of Energy (DOE) national laboratories, regardless of whether or not such laboratories carry out classified activities. The provision would require the report to include for each laboratory a description of: (1) the number of full time counterintelligence and security professionals employed; (2) the counterintelligence and security training courses conducted and any requirement that employees successfully complete such courses; (3) each contract awarded that provides an incentive for the effective performance of counterintelligence or security activities; (4) the services provided by employee assistance programs; (5) any requirement that an employee report foreign travel, regardless of whether such travel was for personal or professional purposes; and (6) any visit by the Secretary of Energy or the Deputy Secretary of Energy a purpose of which was to emphasize to

employees the need for effective counterintelligence and security practices.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Energy to submit a report to Congress not later than March 1 of each year regarding the status of counterintelligence activities at DOE national laboratories, regardless of whether or not such laboratories carry out classified activities. The provision would require the report to include for each laboratory a description of: (1) the number of full time Federal and contractor counterintelligence and security professionals employed; (2) the counterintelligence and security training courses conducted and any requirement that employees successfully complete such courses; (3) each contract awarded that provides an incentive for the effective performance of counterintelligence or security activities; (4) any requirement that an employee obtain approval and report foreign travel to a sensitive country, regardless of whether such travel was for personal or professional purposes; and (5) the number of trips by employees to sensitive countries.

Report on security vulnerabilities of national laboratory computers (sec. 3153)

The House amendment contained a provision (sec. 3193) that would require the National Counterintelligence Policy Board, after consultation with the Director of Counterintelligence of the Department of Energy (DOE), to submit annually not later than March 1 of each year to the Committees on Armed Services of the Senate and the House of Representatives a report on the security vulnerabilities of the computers at the DOE national laboratories.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the National Counterintelligence Policy Board to submit a report not later than March 1, 2000, but would not require consultation with the Director of Counterintelligence of DOE.

Department of Energy counterintelligence polygraph program (sec. 3154)

The Senate bill contained a provision (sec. 3154) that would require the Secretary of Energy to prepare a plan describing how Department of Energy (DOE) employees and DOE contractor employees who have regular access to Restricted Data or Sensitive Compartmented Information might be polygraphed on periodic basis as part of a personnel assurance program. The plan would be submitted to the defense committees of Congress not later than 120 days after enactment of this provision. The plan would include recommendations for any legislation necessary to implement the plan. The provision would further prohibit obligation of more than 50 percent of the funds authorized to be appropriated or other wise made available to the Department of Energy in fiscal year 2000 for travel expenses until the plan is received by the defense committees of Congress.

The House amendment contained a similar provision (sec. 3168) that would require the Secretary of Energy to conduct, on a regular basis, counterintelligence polygraph examinations of DOE

employees and contractor and consultant employees who have access to a program that the Director of Central Intelligence and the DOE Assistant Secretary for Defense Programs determine require special access restrictions. No covered employees would be granted access to such programs until they first undergo a counterintelligence polygraph examination. The provision would further require the Secretary to conduct polygraph re-examinations no less frequently than every five years or whenever the DOE Director of Counterintelligence determines is necessary.

The Senate recedes with an amendment that would require the Secretary of Energy to ensure that any new DOE, DOE contractor, or DOE consultant employee successfully complete a counterintelligence polygraph examination prior to being hired, if the Secretary determines that such an employee will have access to a program that the Secretary determines requires special access restrictions. Further, the amendment would require that a DOE, DOE contractor, or DOE consultant employee successfully complete a counterintelligence polygraph examination on a regular basis, but in no instance less than once every five years, if the employee has access to a program that the Secretary determines requires special access restrictions. No covered employees would be granted access to such programs until successfully completing a counterintelligence polygraph examination. The provision would further require the Secretary to conduct polygraph re-examinations no less frequently than every five years or whenever the Secretary determines is necessary.

The conferees direct that the Secretary not use failure of such polygraph examinations as the sole basis for the removal of any covered employee. The conferees further direct that such polygraph examinations not include questions regarding lifestyles.

Definition of national laboratory and nuclear weapons production facility (sec. 3155)

The House amendment contained a provision (sec. 3195) that would define national laboratory as the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory, and the Sandia National Laboratories for the purposes of subtitle F of the House amendment.

The Senate bill contained no similar provision.

The Senate recedes.

Definition of Restricted Data (sec. 3156)

The Senate bill contained a provision (sec. 3165) that would define Restricted Data for the purposes of subtitle D of the Senate bill.

The House amendment contained no similar provision.

The House recedes.

Subtitle E—Matters Relating to Personnel

Extension of authority of Department of Energy to pay voluntary separation incentive payments (sec. 3161)

The Senate bill contained a provision (sec. 3173) that would extend for a period of two years the authority of the Secretary of En-

ergy to pay voluntary separation incentive payments to certain Federal employees.

The House amendment contained a provision (sec. 3162) that would extend the authority of the Secretary of Energy to pay voluntary separation incentive payments for one year and increase the amount of the contribution to the federal retirement system for employees of the Department from fifteen percent of the employee's salary to twenty-six percent. The provision would further require the Secretary to submit a report on the Department's use of this authority.

The House recedes with an amendment that would extend the authority of the Secretary of Energy to pay voluntary separation incentive payments for one year. The provision would further require the Secretary to submit a report on the Department's use of this authority.

The conferees believe that this authority is an essential tool available to the Office of Defense Programs to shape its future skills and capabilities as it reorganizes and downsizes its federal workforce. The conferees note that several recent reports, including "The Organization and Management of the Nuclear Weapons Program," issued by the Institute for Defense Analyses in February 1997, and the report of the Commission on Sustaining U.S. Nuclear Weapons Expertise, issued March 15, 1999, have concluded that the Department's Weapons Activities program is over-staffed in its management and oversight functions. In spite of these conclusions, defense programs personnel levels have remained steady since fiscal year 1998 and are projected to remain steady through fiscal year 2000. The conferees further note that this authority has been extended several additional years and believe that any further extension would be difficult to justify in the future. The conferees believe further reductions in federal staffing are justified and encourage the Department to make effective use of this authority.

Fellowship program for development of skills critical to the Department of Energy nuclear weapons complex (sec. 3162)

The House amendment contained a provision (sec. 3163) that would amend section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) which authorizes the establishment of a fellowship program for graduate and postdoctoral students who are U.S. citizens specializing in physical sciences relevant to the nuclear weapons complex. The provision would require recipients to work for at least one year as a Department of Energy employee. The provision would also require the Secretary of Energy to submit to the congressional defense committees by January 1, 2000 a plan establishing criteria for the awarding of fellowships and a description of service obligations to be incurred by fellowship recipients. The provision would also authorize \$5.0 million for the fellowship program.

The Senate bill contained no similar provision.

The Senate recedes.

Maintenance of nuclear weapons expertise in the Department of Defense and Department of Energy (sec. 3163)

The Senate bill contained a provision (sec. 3171) that would enact measures to assist with nuclear weapons expertise within the Departments of Defense and Energy and their contractor workforces. The provision would: (1) revitalize the role of the joint Department of Energy-Department of Defense Nuclear Weapons Council to oversee the nuclear missions of the Departments of Energy and Defense; (2) require the Secretary of Defense, in consultation with the Secretary of Energy, to submit an annual report on the activities of the weapons council; (3) require the Secretary of Defense to prepare a Nuclear Mission Management Plan; (4) require the Secretaries of Energy and Defense to prepare a Nuclear Expertise Retention Plan; (5) require that any reports on critical difficulties at nuclear weapons plants or laboratories of the Department of Energy be included in the supporting documents accompanying the annual nuclear stockpile certification sent to the President; and (6) amend section 179 of title 10, United States Code, to provide a mechanism to appoint an acting staff director for the Nuclear Weapons Council in the event the position is vacant for more than nine months.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note with continuing concern that the important position of Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense remains vacant. The conferees note this statutorily created position plays a vital role in maintaining viability and safety of the nuclear deterrent of the United States. The conferees encourage the President to fill this position as rapidly as possible.

Whistleblower protection program (sec. 3164)

The Senate bill included a provision (sec. 3160) that would require the Secretary of Energy to establish a whistleblower protection program to ensure that no Department of Energy (DOE) employee or DOE contractor employee may be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information relating to the protection of classified information which the employee reasonably believes to provide direct and specific evidence of a violation of any federal law, gross mismanagement, a gross waste of funds, abuse of authority, of a false statement to Congress on a material fact. The provision would protect such disclosures of information only if they are made to a federal entity designated by the Secretary of Energy to receive such information, the Federal Bureau of Investigation, the Inspector General of the Department of Energy, or a member of a committee of Congress having primary responsibility for oversight of the department, agency, element of the federal government to which the information relates, an employee of a committee of Congress having primary responsibility for oversight of the department, agency, element of the federal government to which the information relates and who holds an appropriate security clearance for access to the information.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Energy, acting through the Inspector General, to provide assistance and guidance to each protected individual who seeks to make a protected disclosure under this section to include: (1) identifying the persons or entities to which a disclosure may be made; (2) advising individuals on the steps to be taken to protect the security of the information to be disclosed; (3) taking appropriate actions to protect the identity of that individual throughout that disclosure; and (4) taking appropriate actions to coordinate that disclosure with any other federal agency or agencies that originated the information. The provision would require the Secretary to notify individuals of their rights under this section.

The provision would further require the DOE Office of Hearings and Appeals to review any complaint submitted by a DOE employee or DOE contractor employee who alleges that the employee has been discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information relating to the protection of classified information which the employee reasonably believes to provide direct and specific evidence of a violation of any federal law, gross mismanagement, a gross waste of funds, abuse of authority, of a false statement to Congress on a material fact. The provision would further require that the information must have been disclosed pursuant to procedures established by the DOE Inspector General to protect the security of the information to be disclosed. The Office of Hearings and Appeals would be required to investigate all such complaints that are determined to be not frivolous. The provision would require the Office of Hearings and Appeals would be required to provide an annual report on all such investigations and a summary of the results of such investigations to the congressional defense committees. In addition, the provision would require the Secretary to take remedial action when appropriate. The provision would further require the Secretary to submit a report to the congressional defense committees describing how the program would be implemented.

Subtitle F—Other Matters

Requirement for plan to improve reprogramming processes (sec. 3171)

The conferees included a provision that would require the Secretary of Energy to submit to the congressional defense committees, not later than November 15, 1999, a report on improving the reprogramming processes relating to the defense activities of the Department of Energy.

Integrated fissile materials management plan (sec. 3172)

The Senate bill contained a provision (sec. 3174) that would require the Secretary of Energy to develop a long-term integrated fissile materials management plan describing: (1) how the overlapping responsibilities of the Offices of Environmental Management, Nuclear Energy, Fissile Materials Disposition, and Defense Programs could achieve budgetary efficiencies through the consolidation or integration of fissile materials treatment, storage or disposition activities; and (2) any investments necessary at Department of

Energy (DOE) sites that are anticipated to have an enduring plutonium management mission. The provision would require the plan to be submitted to the congressional defense committees not later than February 1, 2000.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary to submit the plan not later than March 31, 2000.

The conferees believe that the DOE Offices of Environmental Management, Nuclear Energy, Fissile Materials Disposition, and Defense Programs have several overlapping and redundant activities in the area of plutonium and uranium management and that the Department can achieve programmatic and budgetary efficiencies by consolidating some activities of these offices.

Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities (sec. 3173)

The House amendment contained a provision (sec. 3164) that would require that any future budget request submitted to the Congress by the Department of Energy (DOE) continue to identify, as a budgetary line item, funds that would be used to declassify records pursuant to Executive Order 12958 or to comply with any subsequent statutory declassification requirements. The provision would further limit the expenditure of funds by the Secretary of Energy for the declassification of records during fiscal year 2000 to no more than \$8.5 million.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require that any future budget request submitted to the Congress by the Department identify, as a budgetary line item, funds that would be used to declassify records pursuant to Executive Order 12958 or to comply with any subsequent statutory declassification requirements. The provision would prohibit the automatic declassification of any DOE document that has not been reviewed for declassification unless the Secretary certifies to Congress that such declassification will not harm the national security of the United States. The provision would further require the Secretary to submit a report to the Committees on Armed Services of the Senate and House of Representatives on the efforts of DOE to declassify documents under its control.

The conferees note that the report required by this provision need not include information relating to any classification review or assessment conducted by DOE for any other federal agency.

Sense of Congress regarding technology transfer coordination for Department of Energy national laboratories (sec. 3174)

The House amendment contained a provision (sec. 3170) that would require the Secretary of Energy to ensure for the Sandia National Laboratories, Los Alamos National Laboratory, and Lawrence Livermore National Laboratory that: (1) technology transfer policies in patenting, licensing, and commercialization are consistent with other Department of Energy sites; (2) the contractor operating the laboratory make available to aggrieved private-sector entities expedited alternative dispute resolution procedures, includ-

ing binding and non-binding procedures, to resolve commercialization, license, or patent disputes where the contractor is alleged to be at fault; (3) the alternative dispute resolution procedure to be utilized in any disputes be chosen jointly by the Secretary, the site contractor, and the aggrieved party; (4) the contractor submit an annual report to the Secretary regarding technology transfer successes, current technology transfer disputes involving the laboratory, and progress toward resolving such disputes; and (5) training of laboratory personnel responsible for patenting, licensing, and commercialization activities is adequate to ensure such employees are knowledgeable of appropriate legal, procedural, and ethical standards.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would express a sense of Congress that technology transfer policies in patenting, licensing, and commercialization at DOE national laboratories should be consistent and that training of laboratory personnel responsible for patenting, licensing, and commercialization activities be adequate to ensure such employees are knowledgeable of appropriate legal, procedural, and ethical standards.

Pilot program for project management oversight regarding Department of Energy construction projects (sec. 3175)

The Senate bill contained a provision (sec. 3176) that would direct the Secretary of Energy to initiate a project management oversight (PMO) pilot effort in at least one defense program and one environmental management construction project with a total estimated cost of at least \$25.0 million. The PMO pilot projects would assess the effectiveness of using PMO service providers to help control cost and schedule overruns at large Department of Energy (DOE) construction projects. Such services would include monitoring the project's progress in order to determine if the project is on time, within budget, in conformance with the approved plans and specifications, and being implemented efficiently and effectively. The provision would require the Secretary to submit a report to the congressional defense committees on the effectiveness of the pilots not later than September 1, 2000. The provision would also require the Secretary to procure such services on a competitive basis from among those commercial firms that have expertise in managing large construction projects but do not currently manage or operate a facility where a pilot would be conducted.

The House amendment contained no similar provision.

The House recedes.

The conferees remain concerned that DOE has failed to take appropriate action to control the costs of large construction projects at DOE facilities. The conferees note a finding by the General Accounting Office that, as of April 15, 1999, all fiscal year 1999 new construction starts in the Office of Defense Programs were behind schedule by at least five months. The conferees further note that most large commercial construction projects enlist PMO-type services oversee day-to-day construction matters on behalf of the project owners. The conferees believe that the DOE, as an "owner" of many large and complex construction projects, would greatly benefit from PMO services.

Pilot program of Department of Energy to authorize use of prior year unobligated balances for accelerated site cleanup at Rocky Flats Environmental Technology Site, Colorado (sec. 3176)

The Senate bill contained a provision (sec. 3175) that would authorize the Secretary of Energy to utilize funds payable as award fees to contractors at a Department of Energy (DOE) closure site for the purpose of conducting additional cleanup activities at that site. The Senate provision would specify that funds be so used if the Secretary determines that such funds are not anticipated to be paid as award fees in the fiscal year that such funds are authorized to be appropriated and if the use of such funds for additional cleanup will not result in a deferral of payment of award fees at the site of more than 12 months. The provision would require the Secretary to report to the congressional defense committees not later than 30 days after exercising the authority granted by this provision.

The House amendment contained no similar provision.

The House recedes with an amendment that would create a three-year pilot program at the Rocky Flats Environmental Technology Site under which the Secretary would be authorized to use up to \$15.0 million of prior year unobligated balances in the defense environmental management account for accelerated cleanup at the Rocky Flats site. The provision would require the Secretary to notify the congressional defense committees not less than 30 days prior to exercising the authority granted by this provision and submit a report to the congressional defense committees, not later than July 31, 2002, on whether the authority granted by this provision should be extended.

The conferees direct that the Secretary, in notifying the congressional defense committees of an intent to utilize this authority, provide information at a level of detail that is comparable to any reprogramming request submitted pursuant to section 3121 of this Act.

Proposed schedule for shipments of waste from the Rocky Flats Environmental Technology Site, Colorado, to the Waste Isolation Pilot Plant, New Mexico (sec. 3177)

The Senate bill contained a provision (sec. 3178) that would require the Secretary of Energy to submit to the Committees on Armed Services of the Senate and House of Representatives, not later than 60 days after enactment of this Act, a proposed schedule for the commencement of shipments of waste from the Rocky Flats Environmental Technology Site to the Waste Isolation Pilot Plant.

The House amendment contained no similar provision.

The House recedes with an amendment that would include in the schedule a timetable for obtaining shipping containers and would also require the Secretary to submit the proposed schedule to the Committee on Commerce of the House of Representatives.

Comptroller General report on closure of Rocky Flats Environmental Technology Site, Colorado (sec. 3178)

The Senate bill contained a provision (sec. 3179) that would require the Comptroller General of the United States to submit a report to the Armed Services Committees of the Senate and House of Representatives, not later than December 31, 2000, assessing the

progress made in closing the Rocky Flats Environmental Technology Site. The provision would require the report would include the following elements: how future use decisions affect ongoing cleanup; whether the Secretary of Energy could provide additional flexibility to the site operating contractor; whether the Secretary could take actions at other Department of Energy sites that would accelerate closure of Rocky Flats; any additional developments that have occurred since the April 1999 Comptroller General report on Rocky Flats closure; the likelihood that the site will meet its 2006 closure goal; and those actions that the Secretary could take to ensure that the 2006 closure goal is met.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Comptroller General to assess how any failures to decide future uses of the site might affect current cleanup activities as well as any impact the proposed schedule to move mixed and un-mixed radioactive wastes to off-site locations will have on ongoing cleanup activities. The House amendment would further require the Comptroller General report to include recommendations for methods to accelerate closure of the site.

Extension of review of Waste Isolation Pilot Plant, New Mexico (sec. 3179)

The Senate bill contained a provision (sec. 3177) that would extend the authorization for the Waste Isolation Pilot Plant (WIPP) Environmental Evaluation Group for five additional one-year periods.

The House amendment contained no similar provision.

The House recedes.

The conferees note that the Environmental Evaluation Group provides independent reviews and evaluations of the WIPP design, construction, and operation as they relate to the protection of public health, safety, and the environment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Civil monetary penalties for violations of Department of Energy regulations relating to the safeguarding and securing of restricted data

The House amendment contained a provision (sec. 3188) that would amend the Atomic Energy Act of 1954 (42 U.S.C. 2282a) by inserting a new section that would authorize the assessment of civil penalties of not more than \$500,000 per incidence for any person who commits a gross violation of an applicable Department of Energy rule, regulation, or order related to safeguarding or securing Restricted Data. The provision would further authorize the Secretary of Energy to assess monetary penalties against Department of Energy contractors, for any violation of a law, regulation, or Department of Energy Order relating to the protection of Restricted Data or Formerly Restricted Data.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that the substance of this provision is addressed elsewhere in this Act.

Commission on Nuclear Weapons Management

The House amendment contained provisions (secs. 3151–3159) that would establish a Commission on Nuclear Weapons Management to examine the organizational and management structures within the Departments of Energy and Defense. The Commission would examine nuclear weapons: policy and standards; generation requirements; stockpile inspection and certification; research, development, and design; manufacturing, assembly, disassembly, refurbishment, surveillance, and storage; operations and maintenance; construction projects; and sustainment and development of high-quality personnel. The provision would address the procedures by which the members of the commission would be selected, the general rules governing the operation of the commission, the duties of the commission, the commission's reporting requirements, and the commission's powers.

The Senate bill contained no similar provision.

The House recedes.

Department of Energy counterintelligence cyber security program

The House amendment contained a provision (sec. 3106) that would authorize an increase of \$8.6 million in Department of Energy (DOE) cyber security programs and would offset this amount through reductions to the Environmental Management, Defense Programs, and Other Defense accounts.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that additional funds for DOE cyber security programs have been included in section 3103 of this Act.

Department of Energy polygraph examinations

The House amendment contained a provision (sec. 3187) that would require the Secretary of Energy to conduct, on a regular basis, counterintelligence polygraph examinations of certain Department of Energy (DOE) employees and contractor and consultant employees who have access to a program that the Director of Central Intelligence and the DOE Assistant Secretary for Defense Programs determine special access restrictions. The provision would further require the Secretary to prescribe those regulations necessary to carry out this section.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that the substance of this provision is addressed elsewhere in this Act.

Investigation and remediation of alleged reprisals for disclosure of certain information to Congress

The Senate bill included a provision (sec. 3161) that would require the Inspector General of the Department of Energy (DOE) to review all complaints by DOE employees or DOE contractor employees that such employees have been discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information relating to the protection of classified information that the employee reasonably believes would provide direct and specific evidence of a violation of any federal law, gross mismanagement, a

gross waste of funds, abuse of authority, or a false statement to Congress on a material fact. The provision would require that the information be disclosed pursuant to section 3160 of the Senate bill. The provision would require the Inspector General to investigate all such complaints determined to be not frivolous. The provision would also require the Inspector General to provide a quarterly report all such investigations and a summary of the results of such investigations to the congressional defense committees. In addition, the provision would require the Secretary to take remedial action when appropriate.

The House amendment contained no similar provision.

The Senate recedes.

The conferees note that the substance of this provision would be addressed elsewhere in this conference report.

Modification of laboratory-directed research and development to provide funds for theater ballistic missile defense

The House amendment contained a provision (sec. 3133) that would amend section 3132 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) by reducing the maximum laboratory directed research and development (LDRD) surcharge from six percent to three percent. The provision would also establish a three percent surcharge to fund theater ballistic missile defense (BMD) development projects at the national weapons laboratories. The provision would require that such projects be established and executed consistent with the memorandum of understanding between the Secretaries of Energy and Defense required by section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85).

The Senate bill contained no similar amendment.

The House recedes.

The conferees note that LDRD is a discretionary fund used by the directors of the Department of Energy national security laboratories to undertake innovative research and development initiatives proposed by laboratory personnel. However, the conferees believe that the laboratory directors should make every effort to prioritize and coordinate LDRD efforts. The conferees urge the laboratory directors to fully utilize resources of the laboratories to focus LDRD initiatives on significant national security challenges that confront the nation, such as theater ballistic missile defense. The conferees direct that these activities be consistent with the memorandum of understanding noted above.

Report on whether the Department of Energy should continue to maintain nuclear weapons responsibility

The House amendment contained a provision (sec. 3183) that would require the President to submit to Congress, not later than January 1, 2000, a report regarding alternative organizational arrangements for managing nuclear weapons development, testing, and maintenance within the Department of Energy, including reestablishment of the Atomic Energy Commission as an independent agency.

The Senate bill contained no similar provision.

The House recedes.

TITLE XXXII—NATIONAL NUCLEAR SECURITY ADMINISTRATION

The House amendment contained a provision (sec. 3165) that would require the Secretary of Energy to assign to the Assistant Secretary of Energy for Defense Programs direct authority over, and responsibility for, the nuclear weapons production facilities and national laboratories with respect to strategic management, policy development and guidance, budget guidance and formulation, resource requirements determinations and allocations, administration of contracts, environmental safety and health operations, integrated safety and management, safeguard and security operations, and relations with government agencies. The provision would also establish that certain nuclear weapons production facilities, national laboratories, and operations offices report directly to the Assistant Secretary for Defense Programs. The provision would further allow the Assistant Secretary to delegate to such operations offices a number of support functions, including operational activities, program execution, personnel, contracting and procurement, facility operations oversight, and integration of production and research activities.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would substantially reorganize the national security programs of the Department of Energy (DOE).

The conferees note that the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China (known as the Cox Committee) concluded that Chinese espionage efforts had successfully gathered sensitive information related to U.S. nuclear weapons designs. The conferees further note that the President's Foreign Intelligence Advisory Board (PFIAB), chaired by former Senator Warren Rudman, after reviewing the security failures at DOE concluded that the root causes of the counterintelligence failures pertained to poor organization and a failure of accountability. The PFIAB noted that many previous efforts to improve organization and accountability at DOE had failed, and concluded that ". . . the Department of Energy is a dysfunctional bureaucracy that has proven incapable of reforming itself."

To correct these systemic problems, the conferees agree to establish the National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department that would be responsible for nuclear weapons development, naval nuclear propulsion, defense nuclear nonproliferation, and fissile material disposition; establish security, counterintelligence, and intelligence offices; and prescribe personnel, budgeting, and other management practices for the NNSA.

Short title (sec. 3201)

The conferees agree to include a provision that would provide that this title may be cited as the "National Nuclear Security Administration Act."

Under Secretary for Nuclear Security of Department of Energy (sec. 3202)

The conferees agree to include a provision that would amend the Department of Energy Organization Act (42 U.S.C. 7132) to establish in the Department of Energy an Under Secretary for Nuclear Security appointed by the President with the advice and consent of the Senate. The Under Secretary would serve as the Administrator for Nuclear Security under the National Nuclear Security Administration Act. As Administrator, the Under Secretary would be subject to the authority, direction, and control of the Secretary of Energy. Such authority, direction, and control could only be delegated to the Deputy Secretary of Energy.

Establishment of policy for National Nuclear Security Administration (sec. 3203)

The conferees agree to include a provision that would provide that the Secretary of Energy, acting through the Under Secretary of Nuclear Security, shall be responsible for establishing policy for the National Nuclear Security Administration. The Secretary could direct officials of the Department of Energy who are not within the National Nuclear Security Administration to review programs and activities of the Administration and to make recommendations to the Secretary regarding administration of those programs.

Organization of Department of Energy counterintelligence and intelligence programs and activities (sec. 3204)

The conferees agree to include a provision that would amend the Department of Energy Organization Act (42 U.S.C. 7101) to specify that the Secretary of Energy shall be responsible for developing, and promulgating the security, counterintelligence, and intelligence policies of the Department of Energy. This provision would also establish the Department of Energy offices of Counterintelligence and Intelligence.

The Director of the Department of Energy Office of Counterintelligence would be a member of the Senior Executive Service and would be responsible for establishing policy for counterintelligence programs and activities at Department of Energy facilities in order to reduce the threat of disclosure of classified and other sensitive information at the Department facilities. The provision would also require the Director of the Office of Counterintelligence to report on the status and the effectiveness of the counterintelligence programs at facilities of the Department of Energy during the preceding year.

The Director of the Office of Intelligence of the Department of Energy would be a member of the Senior Executive Service and would be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials and energy security.

Subtitle A—Establishment and Organization

Establishment and mission (sec. 3211)

The conferees agree to include a provision that would establish within the Department of Energy a separately organized agency

that would be known as the National Nuclear Security Administration. The mission of the Administration would be to enhance the national security through the military application of nuclear energy and to reduce global danger from weapons of mass destruction, and to promote international nuclear safety. This provision would require that the Administrator ensure that all operations and activities of the Administration are consistent with the principles of environmental protection and the safety and health of the public and the Administration's workforce.

Administrator for Nuclear Security (sec. 3212)

The conferees agree to include a provision that would establish the Under Secretary for Nuclear Security as the Administrator for the National Nuclear Security Administration. The Administrator would have authority over, and be responsible for, all programs and activities of the Administration, except for the functions of the Office of Naval Reactors as specified in Executive Order 12344. In addition, the provision would give the Administrator responsibility for liaison between the Administration and other elements of the Department of Energy and other federal agencies. The Administrator may establish Administration-specific policies, unless disapproved by the Secretary.

Status of Administration and contractor personnel within Department of Energy (sec. 3213)

The conferees agree to include a provision that would make each officer or employee of the Administration, in carrying out the functions of the Administration, subject to the authority, direction, and control of the Administrator, the Secretary of Energy acting through the Administrator, or the Administrator's designee within the Administration. Officers or employees of the Administration would not be responsible to, or subject to the authority, direction, or control of any other officer, agent, or employee of the Department of Energy. The provision would also stipulate that each officer or employee of a contractor of the Administration would not be responsible to, or subject to the authority, direction, or control of any other officer, agent, or employee of the Department of Energy who is not an employee of the Administration, with the exception of the Secretary or Deputy Secretary of Energy.

Deputy Administrator for Defense Programs (sec. 3214)

The conferees agree to include a provision that would establish the position of Deputy Administrator for Defense Programs, subject to appointment by the President with the advice and consent of the Senate. The provision would make the Deputy Administrator responsible for maintaining and enhancing the safety, reliability, and performance of the U.S. nuclear weapons stockpile. The head of each national security laboratory and nuclear weapons production facility would report to the Deputy Administrator for Defense Programs, consistent with applicable contractual obligations.

Deputy Administrator for Defense Nuclear Nonproliferation (sec. 3215)

The conferees agree to include a provision that would establish the position of Deputy Administrator for Defense Nuclear Nonproliferation subject to appointment by the President with the advice and consent of the Senate. The provision would make the Deputy Administrator responsible for preventing the spread of materials, technology, and expertise relating to weapons of mass destruction; and for eliminating inventories of surplus fissile material.

Deputy Administrator for Naval Reactors (sec. 3216)

The conferees agree to include a provision that would establish the position of Deputy Administrator for Naval Reactors. The director of the Naval Nuclear Propulsion Program, provided for under the Naval Nuclear Propulsion Executive Order, shall serve as the Deputy Administrator for Naval Reactors. The provision would assign the Deputy Administrator the responsibilities, authorities, and accountability for all functions of the Office of Naval Reactors.

General Counsel (sec. 3217)

The conferees agree to include a provision that would establish a General Counsel for the Administration.

Staff of Administration (sec. 3218)

The conferees agree to include a provision that would require the Administrator to maintain within the Administration sufficient staff to assist the Administrator in carrying out the duties of that position. The Administrator would assign to the staff responsibility for the functions of personnel, legislative affairs, public affairs, and liaison with other elements of the Department of Energy, other federal agencies, and the public.

Subtitle B—Matters Relating to Security

Protection of national security information (sec. 3231)

The conferees agree to include a provision that would require the Administrator, subject to the approval of the Secretary of Energy, to establish policies and procedures to ensure maximum protection to classified information in the possession of the Administration. The Administrator would establish procedures requiring personnel of the Administration to report to the Administrator on significant violations of law or executive order relating to the management of classified information.

Office of Defense Nuclear Counterintelligence and Office of Defense Nuclear Security (sec. 3232)

The Senate bill contained a provision (sec. 3158) that would require the Secretary of Energy to maintain an Office of Counterintelligence and an Office of Intelligence. The Office of Counterintelligence would be headed by a senior executive of the Federal Bureau of Investigation with experience in matters relating to counterintelligence. The Director of the Office of Counterintelligence would report directly to the Secretary of Energy and ensure

that the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation are informed regularly on the status and effectiveness of counterintelligence efforts at DOE sites. The Director would be required to submit an annual assessment to the Secretary, Director of Central Intelligence, Director of the Federal Bureau of Investigation, and the defense committees of Congress on the effectiveness of counterintelligence efforts at DOE facilities. Such an assessment would be provided in both classified and unclassified form not later than March 1 of each year. The Director would be required to develop and implement specific security and counterintelligence programs to reduce the threat of loss of classified and sensitive information at DOE sites. The Director of Intelligence would also report directly to the Secretary and would be responsible for intelligence and energy security analysis.

The House amendment contained a similar provision (sec. 3184) that would require the Secretary of Energy to establish an Office of Foreign Intelligence and an Office of Counterintelligence.

The conferees agree to include a provision that would establish an Office of Defense Nuclear Counterintelligence and an Office of Defense Nuclear Security. The offices would be headed by a Chief of Defense Nuclear Counterintelligence and a Chief of Defense Nuclear Security.

The Chief of Defense Nuclear Counterintelligence would report to the Administrator and would implement counterintelligence policies directed by the Secretary and the Administrator. This Chief would develop programs for the Administration to prevent the disclosure of classified or sensitive information, and would develop and administer personnel assurance programs within the Administration.

The Chief of Defense Nuclear Security would report to the Administrator and would implement security policies directed by the Secretary and the Administrator. This Chief would be responsible for the development and implementation of security programs for the Administration including the protection, control, and accounting of nuclear materials and the physical security and cybersecurity for all facilities of the Administration.

Counterintelligence programs (sec. 3233)

The Senate bill contained a provision (sec. 3159) that would require the Secretary of Energy to assign at each DOE facility an individual to assess security and counterintelligence matters at that site. Such individuals would report directly to the DOE Director of Counterintelligence.

The House amendment contained a similar provision (sec. 3186) that would require the Secretary of Energy to assign at each DOE facility an individual to assess security and counterintelligence matters at that site. Such individuals would report directly to the DOE Director of Counterintelligence.

The House amendment contained another similar provision (sec. 3185) that would require the Secretary to establish and maintain at each DOE national laboratory, a counterintelligence program for the defense-related activities at the laboratory. The provision would require that the head of counterintelligence at each lab-

oratory have extensive experience in counterintelligence activities within the Federal Government and is hired by and directly responsible to Director of the laboratory and is hired with the concurrence of the DOE Director of Counterintelligence.

The conferees agree to include a provision that would require the Administrator to establish and maintain a counterintelligence program at each laboratory or production facility. The Administrator would be required to assign an employee of the Office of Defense Nuclear Counterintelligence to each facility at which Restricted Data is located, other than a laboratory or a production facilities. This employee would assess counterintelligence and security matters at the facility.

Procedures relating to access by individuals to classified areas and information of Administration (sec. 3234)

The House amendment contained a provision (sec. 3191) that would prohibit unescorted access by a foreign national to any classified area, or access to any classified information, at any DOE facility engaged in defense activities unless the individual has a security clearance granted by the United States or has a security clearance granted by a foreign government which the Secretary of State determines is comparable to a clearance granted by the United States. The provision would prohibit the Secretary from terminating the employment of any foreign national who is also an employee of the Department, as of the date of enactment of this Act until a security clearance investigation is completed. Such employees could, however, be terminated if the Director of Counterintelligence determines it is in the national security interest of the United States.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Administrator to establish procedures to ensure that individuals are not permitted unescorted access to any classified area, or access to classified information, of the Administration until security clearances are verified.

Government access to information on Administration computers (sec. 3235)

The House amendment contained a provision (sec. 3194) that would require the Secretary of Energy to establish procedures to govern access to classified information on DOE defense-related computer systems.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Administrator to establish procedures to govern access to all information on Administration computers. These procedures would provide that any individual who has access to information on an Administration computer be required, as a condition of such access, to provide to the Administrator written consent permitting access by an authorized investigative agency to any Administration computer. In addition, the provision would stipulate that, notwithstanding any other provision of law, no user of an Administration computer shall have any expectation of privacy in the use of that computer.

Congressional oversight of special access programs (sec. 3236)

The conferees agree to include a provision that would require the Administrator to submit an annual report to the congressional defense committees on the special access programs of the Administration. Each annual report shall contain budgetary information for special access programs and a brief discussion of each program. This provision would also require an annual report on the new special access programs with a justification for designating the program as special access, and an identification of existing programs or technologies that are similar to the subject of the new special access program. A new special access program would not be allowed to begin until 30 days after the defense committees have been notified that a new special access program is about to be initiated. The provision would also require a report to the congressional defense committees 14 days before any special access program is declassified.

Subtitle C—Matters Relating to Personnel

Authority to establish certain scientific, engineering, and technical positions (sec. 3241)

The conferees agree to include a provision that would provide the Administrator of the National Nuclear Security Administration authority to establish up to 300 scientific, engineering, and technical positions, hire qualified personnel to fill those positions, and set appropriate compensation levels.

Voluntary early retirement authority (sec. 3242)

The conferees agree to include a provision that would provide the Secretary of Energy temporary authority to offer voluntary early retirement to not more than 600 Department of Energy employees affected by the establishment of the National Nuclear Security Administration.

Severance pay (sec. 3243)

The conferees agree to include a provision that would provide the Secretary of Energy authority to pay severance pay in one lump sum to those Department of Energy employees entitled to severance pay as a result of the establishment of the National Nuclear Security Administration.

Continued coverage of health care benefits (sec. 3244)

The conferees agree to include a provision that would provide the Secretary of Energy authority to continue to pay the government's share of health insurance premiums to those Department of Energy employees who are involuntarily separated as a result of the establishment of the National Nuclear Security Administration.

Subtitle D—Budget and Financial Management

Separate treatment in budget (sec. 3251)

The conferees agree to include a provision that would require the President to submit the budget for the NNSA separately within the amounts requested for the Department of Energy. The section

would also require that the budget justification materials submitted to Congress in support of the budget be specified in individual program elements.

Planning, programming, and budgeting process (sec. 3252)

The conferees agree to include a provision that would require the Administrator to establish a sound planning, programming, and budgeting process for the activities of the Administration using funds that are available for obligation for a limited number of years.

Future-years nuclear security program (sec. 3253)

The Senate bill contained a provision (sec. 3172) that would amend section 3155(a) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) to require that the Secretary of Energy, beginning in fiscal year 2001, include in the President's annual budget request to Congress, a five-year program and budget plan for the activities anticipated to be carried out by the national security programs of the Department of Energy. The program and budget plan would be submitted at the same level of detail as the President's annual budget request to Congress and would include a description of anticipated workload requirements for each site. The provision would further require the Secretary of Energy, beginning in fiscal year 2001, to identify how each element of the President's budget request for weapons activities would help ensure that the weapons stockpile is safe and reliable as determined in accordance with the performance criteria established pursuant to section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) during each year of the five year period.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Administrator to submit a future-year nuclear security program that would contain the estimated expenditures necessary to support the programs, projects, and activities of the Administration for a five-year period and the anticipated workload requirements for each Administration site during the period of the plan. It would also require that the Administrator submit materials detailing how the funds identified for each program element in the weapons activities budget will help ensure the reliability and safety of the nuclear weapons stockpile.

The conferees note that the Secretary of Energy was required by law (section 3135 of H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997, Public Law 104-201) to provide a five-year budget plan, but that the Secretary has not complied with this provision. The conferees believe that such a plan will provide an important planning tool for the Administration and a baseline on which the congressional defense committees can better evaluate succeeding budget submissions.

Subtitle E—Miscellaneous Provisions

Environmental protection, safety, and health requirements (sec. 3261)

The conferees agree to include a provision that would require the Administrator to ensure that Administration operations comply with applicable environmental, safety, and health statutes and to develop procedures for meeting such requirements. The provision would also provide that the Secretary of Energy continues to have overall authority and oversight responsibility to ensure that such compliance occurs.

Compliance with federal acquisition regulation (sec. 3262)

The conferees agree to include a provision that would require the Administrator to establish procedures that would ensure that Administration activities are operated in full compliance with the Federal Acquisition Regulation.

Sharing of technology with Department of Defense (sec. 3263)

The conferees agree to include a provision that would require the Administrator, in cooperation with the Secretary of Defense, to establish procedures that would allow for the sharing of technology and expertise between the Administration and the Department of Defense.

Use of capabilities of national security laboratories by entities outside administration (sec. 3264)

The conferees agree to include a provision that would require the Administrator to establish procedures that would, consistent with the national security mission of the Administration, make the capabilities of the national security laboratories available to elements of the Department of Energy that are not part of the Administration, other Federal agencies and other entities.

Subtitle F—Definitions

Definitions (sec. 3281)

The conferees agree to include a provision that would define terms used throughout this title.

Subtitle G—Amendatory Provisions, Transition Provisions, and Effective Dates

Functions transferred (sec. 3291)

The conferees agree to include a provision that would transfer the national security functions of the Department of Energy to the Administration upon enactment of this title, but would permit the Secretary of Energy to transfer environmental and waste management activities to other elements of the Department, in consultation with the Administrator and Congress.

Transfer of funds and employees (sec. 3292)

The conferees agree to include a provision that would require the Secretary of Energy to transfer to the Administration the bal-

ance of funding associated with the functions transferred to the Administration, as well as the employees necessary to carry out those functions.

Pay levels (sec. 3293)

The conferees agree to include a provision that would establish the compensation for the Under Secretary for Nuclear Security at executive level III and would establish the compensation for Deputy Administrators of the Administration at executive level IV.

Conforming amendments (sec. 3294)

The conferees agree to include a provision (sec. 3294) that would make conforming changes to the Atomic Energy Act of 1954, the Department of Energy Organization Act, the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–60), and the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201).

Transition provisions (sec. 3295)

The conferees agree to include a provision that would set dates by which the Administration would have to come into compliance with the provisions of title 32 of this Act. The Administrator would be required: to comply with the financial and fiscal management principles specified in section 3252 by October 1, 2000, and to report to the Armed Services Committees of the House and the Senate by January 1, 2000 on a plan to achieve that compliance; to submit the first future year nuclear security program required in section 3253 with the fiscal year 2001 budget; and to comply with the Federal Acquisition Regulation specified in section 3263 by October 1, 2000 and report to the Armed Services Committees of the House and the Senate by January 1, 2000 on a plan to achieve that compliance.

Applicability of pre-existing laws and regulations (sec. 3296)

The conferees agree to include a provision that would establish that all provisions of law and regulations in effect immediately before the effective date of title 32 of this act remain in force unless otherwise specified.

Report containing implementation plan of Secretary of Energy (sec. 3297)

The conferees agree to include a provision that would require the Secretary to submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the Secretary's plan for the implementation of the provisions of this title.

Classification in United States Code (sec. 3298)

The conferees agree to include a provision that would establish a new chapter of title 50 for the provisions of title 32 of this act.

Effective dates (sec. 3299)

The conferees agree to include a provision that would establish March 1, 2000 as the effective date of the provisions of title 32, ex-

cept for sections 3202, 3204, 3251, 3295, and 3297, which would become effective upon the date of enactment of this Act.

The conferees direct that the implementation of this title begin immediately upon enactment so as to ensure that the period between enactment of this Act and the effective date of this title shall serve as a transition period to achieve full compliance of the requirements of this title no later than March 1, 2000.

TITLE XXXIII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

LEGISLATIVE PROVISIONS ADOPTED

Defense Nuclear Facilities Safety Board (sec. 3301)

The Senate bill contained a provision (sec. 3201) that would authorize \$17.5 million for the Defense Nuclear Facilities Safety Board (DNFSB) for fiscal year 2000.

The House bill contained an identical provision (sec. 3201). The conference agreement includes this provision.

TITLE XXXIV—NATIONAL DEFENSE STOCKPILE

LEGISLATIVE PROVISIONS ADOPTED

Authorized uses of stockpile funds (sec. 3401)

The Senate bill contained a provision (sec. 3301) that would authorize \$78.7 million for operations of the National Defense Stockpile.

The House amendment contained an identical provision.

The conference agreement includes this provision.

Disposal of certain materials in National Defense Stockpile (sec. 3402)

The House bill contained a provision (sec. 3303) that would repeal sections 3303 and 3304 of the National Defense Authorization Act for Fiscal Year 1996 restricting the sale of certain materials.

The Senate contained no similar provision.

The Senate recedes with an amendment that would repeal section 3303 of the National Defense Authorization Act for Fiscal Year 1996. The provision would also authorize disposal of additional unneeded materials in the National Defense Stockpile.

Limitations on previous authority for disposal of stockpile materials (sec. 3403)

The Senate bill included a provision (sec. 3302) that would clarify authorities in previous years legislation regarding the quantity of materials in the stockpile that could be disposed of to attain certain levels of revenues.

The House amendment contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Definitions

The House amendment contained a provision (sec. 3301) that would define the terms “National Defense Stockpile” and “National Defense Stockpile Transaction Fund.”

From the Committee on Armed Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
DUNCAN HUNTER,
HERBERT H. BATEMAN,
JAMES V. HANSEN,
CURT WELDON,
JOEL HEFLEY,
JIM SAXTON,
STEVE BUYER,
TILLIE K. FOWLER,
JOHN M. MCHUGH,
JAMES TALENT,
TERRY EVERETT,
ROSCOE G. BARTLETT,
HOWARD "BUCK" McKEON,
J.C. WATTS, Jr.,
MAC THORNBERRY,
JOHN HOSTETTLER,
SAXBY CHAMBLISS,
VAN HILLEARY,
IKE SKELTON
(except sec. 32),
NORMAN SISISKY,
JOHN M. SPRATT, Jr.,
(except for 27 and 32),
SOLOMON P. ORTIZ,
OWEN PICKETT,
LANE EVANS,
GENE TAYLOR,
NEIL ABERCROMBIE,
MARTY MEEHAN,
ROBERT A. UNDERWOOD,
SILVESTRE REYES,
JIM TURNER,
LORETTA SANCHEZ,
ELLEN O. TAUSCHER
(except sec. 32),
ROBERT E. ANDREWS,
JOHN B. LARSON,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

PORTER J. GOSS,
JERRY LEWIS,

From the Committee on Banking and Financial Services, for consideration of section 1059 of the Senate bill and section 1409 of the House bill, and modifications committed to conference:

BILL MCCOLLUM,
SPENCER BACHUS,
JOHN J. LaFALCE,

From the Committee on Education and the Workforce, for consideration of sections 579 and 698 of the Senate bill, and sections 341, 343, 549, 567, and 673 of the House amendment, and modifications committed to conference:

BILL GOODLING,
NATHAN DEAL,
PATSY T. MINK,

From the Committee on Government Reform, for consideration of sections 538, 652, 654, 805–810, 1004, 1052–54, 1080, 1101–07, 2831, 2862, 3160, 3161, 3163, and 3173 of the Senate bill, and sections 522, 524, 525, 661–64, 672, 802, 1101–05, 2802, and 3162 of the House amendment, and modifications committed to conference:

DAN BURTON,
JOE SCARBOROUGH,

Provided that Mr. Horn is appointed in lieu of Mr. Scarborough for consideration of sections 538, 805–810, 1052–54, 1080, 2831, 2862, 3160, and 3161 of the Senate bill and sections 802 and 2802 of the House amendment, and modifications committed to conference:

STEPHEN HORN,

From the Committee on House Administration, for consideration of section 1303 of the Senate bill and modifications committed to conference:

WM. THOMAS,
JOHN BOEHNER,
STENY H. HOYER,

From the Committee on International Relations, for consideration of sections 1013, 1043, 1044, 1046, 1066, 1071, 1072, and 1083 of the Senate bill, and sections 1202, 1206, 1301–07, 1404, 1407, 1408, 1411, and 1413 of the House amendment, and modifications committed to conference:

BENJAMIN A. GILMAN,
DOUG BEREUTER,

From the Committee on the Judiciary, for consideration of sections 3156 and 3163 of the Senate bill, and sections 3166 and 3194 of the House amendment, and modifications committed to conference:

HENRY HYDE,
BILL MCCOLLUM,

From the Committee on Resources, for consideration of sections 601, 602, 695, 2833, and 2861 of the Senate bill, and sections 365, 601, 602, 653, 654, and 2863 of the House amendment, and modifications committed to conference:

DON YOUNG,
BILLY TAUZIN,

From the Committee on Transportation and Infrastructure, for consideration of sections 601, 602, 1060, 1079, and 1080 of the Senate bill, and sections 361, 601, 602, and 3404 of the House amendment, and modifications committed to conference:

BUD SHUSTER,
WAYNE T. GILCHREST,
PETER DEFazio,

From the Committee on Veterans' Affairs, for consideration of sections 671–75, 681, 682, 696, 697, 1062, and 1066 of the Senate bill, and modifications committed to conference:

MICHAEL BILIRAKIS,
JACK QUINN,
Managers on the Part of the House.

JOHN WARNER,
STROM THURMOND,
JOHN MCCAIN,
BOB SMITH,
JAMES M. INHOFE,
RICK SANTORUM,
OLYMPIA SNOWE,
PAT ROBERTS,
WAYNE ALLARD,
TIM HUTCHINSON,
JEFF SESSIONS,
ROBERT C. BYRD,
CHUCK ROBB,
MARY L. LANDRIEU,
MAX CLELAND,
Managers on the Part of the Senate.

